

EXHIBIT 1

Transcript of the Testimony of

MARLIN NABORS

July 1, 2025

**STUDENTS FOR JUSTICE IN PALESTINE AT PITT VS
UNIVERSITY OF PITTSBURGH**



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1 (Pages 1 to 4)

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA</p> <p style="text-align: center;">CIVIL ACTION NO. 2:25-CV-00524</p> <p>STUDENTS FOR JUSTICE IN) PALESTINE AT PITT,)) Plaintiff,)) VS.)) UNIVERSITY OF PITTSBURGH; JOAN) GABEL, MARLIN NABORS, KARIN) ASHER, DaVAUGHN VINCENT-BRYAN,) MATTHEW LANDY, and JAMEY MENTZER,) all in their official and) individual capacities,)) Defendants.)</p> <p style="text-align: center;">DEPOSITION OF MARLIN NABORS VIA VIDEOCONFERENCE</p> <p>DEPOSITION taken before me, Mary J. Carney, a Notary Public within and for the Commonwealth of Pennsylvania, via Zoom videoconference, beginning at 11:07 a.m. on July 1, 2025, pursuant to Notice and to be used pursuant to the Federal Rules of Civil Procedure in the aforesaid cause of action, pending in the United States District Court for the Western District of Pennsylvania.</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">APPEARANCES</p> <p>1 2 3 On Behalf of Plaintiff: 4 Witold J. Walczak, Esquire Ali Szemanski, Esquire 5 ACLU OF PENNSYLVANIA P.O. Box 23058 6 Pittsburgh, PA 15222 412-681-7864 7 vwalczak@aclupa.org aszemanski@aclupa.org 8 9 Solomon Furious Worlds, Esquire Kirsten M. Hanlon, Esquire 10 ACLU OF PENNSYLVANIA P.O. Box 60173 Philadelphia, PA 19102 11 215-592-1513 sfworlds@aclupa.org 12 khanlon@aclupa.org 13 14 On Behalf of Defendants: 15 Alexander R. Bilus, Esquire SAUL EWING LLP 16 Centre Square West 1500 Market Street, 38th Floor 17 Philadelphia, PA 19102-2186 215-972-7777 alexander.bilus@saul.com 18 19 Also Present: 20 J. Nicole Rhodes, Esquire 21 University of Pittsburgh 22 23 24 25</p>
<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p>1 2 3 EXAMINATION BY MR. WALCZAK - PAGE 4 4 5 NABORS EXHIBITS INTRODUCED: 6 1 - PAGE 15 7 2 - PAGE 18 8 3 - PAGE 36 9 4 - PAGE 44 10 5 - PAGE 50 11 6 - PAGE 70 12 7 - PAGE 73 13 8 - PAGE 75 14 9 - PAGE 81 15 10 - PAGE 100 16 11 - PAGE 102 17 12 - PAGE 103 18 13 - PAGE 110 19 14 - PAGE 111 20 15 - PAGE 114 21 16 - PAGE 116 22 17 - PAGE 118 23 18 - PAGE 121 24 19 - PAGE 123 25 20 - PAGE 124</p>	<p style="text-align: center;">4</p> <p>1 WHEREUPON, MARLIN NABORS, of lawful 2 age, being by me first duly sworn 3 to testify the truth, the whole 4 truth, and nothing but the truth, 5 as hereinafter certified, deposes 6 and says as follows: 7 EXAMINATION: 8 BY MR. WALCZAK 9 Q. Good morning, Mr. Nabors. My name 10 is Vic Walczak. I am one of the lawyers 11 for the Plaintiffs in the lawsuit, Students 12 for Justice in Palestine at Pitt versus 13 University of Pittsburgh and a number of 14 individuals, including yourself. Are you 15 familiar with that case? 16 A. I am. 17 Q. Have you ever been deposed before? 18 A. I have not. 19 Q. So let me just go over some ground 20 rules. So this is an opportunity provided 21 by the Federal Rules of Civil Procedure for 22 us to be able to ask you questions. We 23 have Mary here, who's going to transcribe 24 everything that's said while we're on the 25 record here. You are under oath so will</p>

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<p style="text-align: right;">5</p> <p>1 hopefully be telling the truth here.</p> <p>2 If I ask a question and you don't</p> <p>3 understand or you don't hear it, please ask</p> <p>4 me to repeat or clarify and I'll do that.</p> <p>5 If you answer the question, then I'll</p> <p>6 assume that you've both heard and</p> <p>7 understood it. Is that fair?</p> <p>8 A. Yes.</p> <p>9 Q. There's also a tendency and I</p> <p>10 especially have a tendency to step on</p> <p>11 somebody else's answer, and as wonderful as</p> <p>12 Mary is, she can't take down if we're both</p> <p>13 talking at the same time. So I'm sure I'm</p> <p>14 going to violate that, but let's try to</p> <p>15 wait until the other person has finished</p> <p>16 either asking a question or whatever</p> <p>17 they're saying before you respond. Is that</p> <p>18 okay?</p> <p>19 A. Yes.</p> <p>20 Q. Are you under the influence of any</p> <p>21 kind of medication or substance that would</p> <p>22 prevent you from fairly and truthfully and</p> <p>23 comprehensively answering my questions?</p> <p>24 A. No.</p> <p>25 Q. So we will take some breaks as</p>	<p style="text-align: right;">6</p> <p>1 needed. As I told your counsel, because I</p> <p>2 think we have limited time here, we're not</p> <p>3 going to break for lunch, so we're not</p> <p>4 going to take a prolonged break. Just can</p> <p>5 I ask you, do you have a hard stop today at</p> <p>6 a certain time?</p> <p>7 A. At 3.</p> <p>8 Q. So you have to be -- you have to be</p> <p>9 done at 3?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Now, where are you</p> <p>12 physically located right now?</p> <p>13 A. In my home in Pittsburgh.</p> <p>14 Q. Is there anybody else in the room</p> <p>15 with you?</p> <p>16 A. There is not.</p> <p>17 Q. Do you have any communication</p> <p>18 devices within reach?</p> <p>19 A. Yes.</p> <p>20 Q. Such as an iPhone? Yeah, what do</p> <p>21 you have?</p> <p>22 A. I have my cell phone and a laptop.</p> <p>23 Q. Okay. And is your laptop open?</p> <p>24 A. It's closed.</p> <p>25 Q. Can I ask that you move your cell</p>
<p style="text-align: right;">7</p> <p>1 phone so that it's out of reach and at a</p> <p>2 place where you can't see it? I mean,</p> <p>3 obviously if you get an emergency call, I</p> <p>4 want you to be able to get that, but</p> <p>5 otherwise.</p> <p>6 A. (Complying).</p> <p>7 Q. Thank you for that. And that was</p> <p>8 your cell phone that you moved?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Thanks. And can I ask what you did</p> <p>11 to prep for today's deposition?</p> <p>12 A. I had a meeting with Sandy to</p> <p>13 prepare for this deposition.</p> <p>14 Q. How long was that meeting?</p> <p>15 A. Roughly an hour. Hour, hour and a</p> <p>16 half.</p> <p>17 Q. And when was that?</p> <p>18 A. Yesterday.</p> <p>19 Q. Did you review any documents in</p> <p>20 preparation for today's deposition?</p> <p>21 A. I did not.</p> <p>22 Q. I'm going to just have you briefly</p> <p>23 recap your formal education for us, so kind</p> <p>24 of post high school, when, where, those</p> <p>25 kind of things?</p>	<p style="text-align: right;">8</p> <p>1 A. I have a Bachelor of Science from</p> <p>2 Central Michigan University and a Master's</p> <p>3 degree from Syracuse University.</p> <p>4 Q. And what's that Master's degree in?</p> <p>5 A. It's in education. Specifically</p> <p>6 the degree is Cultural Foundations of</p> <p>7 Education.</p> <p>8 Q. And when did you get that degree?</p> <p>9 A. 2002.</p> <p>10 Q. Okay. And if you could briefly</p> <p>11 recap your work history, I'll just say</p> <p>12 since you got that degree?</p> <p>13 A. Can you -- can you further clarify</p> <p>14 about briefly recap? I just want to make</p> <p>15 sure I'm giving you what you need.</p> <p>16 Q. Yeah, thank you, I appreciate that.</p> <p>17 That was probably a poorly framed</p> <p>18 question. Just like where you worked,</p> <p>19 when, and what was your title there?</p> <p>20 A. Do you want to give me a starting</p> <p>21 point?</p> <p>22 Q. Yeah, I'm sorry, after you got your</p> <p>23 Master's degree, so that was 2002?</p> <p>24 A. Okay. I worked at Syracuse</p> <p>25 University as a Residence Director. I</p>

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<p style="text-align: right;">9</p> <p>1 worked at Denison University as an 2 Assistant Director of Residence Life. I 3 worked at Indiana University Purdue 4 University Indianapolis as a Coordinator of 5 Diversity Programs. I worked at Wentworth 6 Institute of Technology as Associate 7 Director of Residence Life, later a 8 Director of Student Conduct or Director of 9 Community Standards. 10 I worked at Southern New Hampshire 11 University as an Associate Dean. I worked 12 at Salem State University as an Associate 13 Dean. I worked at Endicott College as AVP 14 and Dean of Students before my current role 15 as AVP and Dean of Students at University 16 of Pittsburgh. 17 Q. What dates were you at Endicott, 18 which I believe was the last placement 19 prior to Pitt? 20 A. Correct. 21 Q. Approximately? 22 A. So 2020 until 2024. 23 Q. What brought you to the University 24 of Pittsburgh; what attracted you to the 25 position?</p>	<p style="text-align: right;">10</p> <p>1 A. Well, it's a professional growth 2 opportunity. 3 Q. And when did you start at 4 University of Pittsburgh? 5 A. In January of this year. 6 Q. And what is the title of your 7 position? 8 A. Associate Vice Provost and Dean of 9 Students. 10 Q. What are the sort of formal job 11 responsibilities under that position? 12 A. To supervise or oversee various 13 units within the division, to assist the 14 Vice Provost in her responsibilities, and 15 to be a representative for broad student 16 needs and interests. 17 Q. When you say oversee units, what 18 are you referring to? 19 A. Departments within the division. 20 Q. And the division is what? 21 A. The Division of Student Affairs at 22 University of Pittsburgh. 23 Q. And so, and who is it that you 24 report to; what's the name of that person? 25 A. The Vice Provost.</p>
<p style="text-align: right;">11</p> <p>1 Q. Yes. 2 A. Her name? 3 Q. Her name, if it's a her, yeah. 4 A. Dr. Carla Panzella. 5 Q. And we're going to be talking about 6 a couple of disciplinary proceedings today 7 involving Plaintiff SJP. If I use the term 8 SJP, is that familiar to you? 9 A. It is. 10 Q. Okay, we'll continue to use that 11 then. Besides your involvement with the 12 SJP discipline, have you been involved in 13 other disciplinary matters since you 14 started in January? 15 A. Involved in? Is there any clarity 16 that might be helpful there for me to 17 answer? 18 Q. I'm sorry, any what? 19 A. Any clarity there that might be 20 helpful for me to answer more accurately? 21 Q. How many other disciplinary 22 proceedings have you participated in? 23 A. I have not -- 24 Q. In any fashion, yeah. 25 A. So in the case with SJP, I</p>	<p style="text-align: right;">12</p> <p>1 participated as a witness in the hearing. 2 I have not participated as a witness for a 3 hearing any other time at Pitt. 4 Q. Well, let me try to clarify. So as 5 I think we'll be discussing today, your 6 involvement with SJP has been more than 7 just a witness; is that a fair statement? 8 A. That is fair. 9 Q. So I'm not asking whether you've 10 been a witness in other proceedings, but 11 whether or not you have been involved in 12 assessing whether to file charges, what 13 kind of charges, involvement in setting up 14 proceeding, any of those types of 15 functions? 16 A. I have been involved in those types 17 of functions in other cases. 18 Q. In how many cases would you say 19 that is? 20 A. I don't have an exact number. 21 Q. An estimate is fine. 22 A. I would estimate maybe 20 to 30 23 other cases. 24 Q. So is this a significant part of 25 your overall responsibilities, overseeing</p>

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<p style="text-align: right;">13</p> <p>1 student discipline?</p> <p>2 MR. BILUS: I object to the</p> <p>3 form.</p> <p>4 Q. You can answer.</p> <p>5 A. I think what I can say is that</p> <p>6 student conduct is one of the units that</p> <p>7 reports in to me, yes.</p> <p>8 Q. Have any of these other 25 or so</p> <p>9 disciplinary matters that you've been</p> <p>10 involved in gone to a hearing?</p> <p>11 A. Yes.</p> <p>12 Q. How many?</p> <p>13 A. I think it might be helpful to be</p> <p>14 clear about what type of hearing you mean.</p> <p>15 Do you mean any type of hearing whatsoever?</p> <p>16 Q. Well, what are the different types</p> <p>17 that could have occurred?</p> <p>18 A. There are hearings that happen with</p> <p>19 administrators, and there are hearings that</p> <p>20 happen with a board.</p> <p>21 Q. Okay, well, let's take the first</p> <p>22 one. How many of those, how many of the</p> <p>23 proceedings have gone to an administrator</p> <p>24 hearing?</p> <p>25 A. I would say half.</p>	<p style="text-align: right;">14</p> <p>1 Q. And how many have gone to a board</p> <p>2 hearing?</p> <p>3 A. The other half.</p> <p>4 Q. So all of these proceedings were</p> <p>5 contested; is that -- I mean, what's the --</p> <p>6 strike that. Let me -- so what, explain</p> <p>7 what the different processes are for when</p> <p>8 it goes to an administrator versus when it</p> <p>9 goes to the board?</p> <p>10 A. I would rely on our practices that</p> <p>11 are processes established in our handbook.</p> <p>12 Would it be helpful for me to walk through</p> <p>13 that?</p> <p>14 Q. No, you know, I mean, we're a</p> <p>15 little bit off topic here. Just, I'm</p> <p>16 trying to understand a little bit more</p> <p>17 about your familiarity with the process.</p> <p>18 So I mean, what kind of cases go to just an</p> <p>19 administrative hearing?</p> <p>20 A. Typically lower level cases that</p> <p>21 are heard by Residence Life or</p> <p>22 administrators in the Student Conduct</p> <p>23 Office.</p> <p>24 Q. So are those, are they called Level</p> <p>25 I charges? Do you know what that is?</p>
<p style="text-align: right;">15</p> <p>1 A. Yes.</p> <p>2 Q. And what about Level II charges?</p> <p>3 A. Those typically go to a board.</p> <p>4 Q. Are there any other kind of charges</p> <p>5 besides Level I or Level II?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. All right, I have a number of</p> <p>8 documents to review with you today. We're</p> <p>9 going to start with Plaintiff's Exhibit 60.</p> <p>10 That's the Bates number.</p> <p>11 Ali, could you put that up on the screen?</p> <p>12 Can you go to the, yeah, next page. Thank</p> <p>13 you.</p> <p>14 Can we mark this as Nabors 1, Mary.</p> <p>15 I'm sorry, am I pronouncing your name</p> <p>16 correctly, Mr. Nabors?</p> <p>17 A. You are.</p> <p>18 Q. All right, I have on the screen</p> <p>19 what's been marked as Nabors 1. Do you</p> <p>20 recognize this document?</p> <p>21 A. I do.</p> <p>22 Q. What is it?</p> <p>23 A. It's an email from me.</p> <p>24 Q. Okay.</p> <p>25 A. To students representing the</p>	<p style="text-align: right;">16</p> <p>1 Students for Justice in Palestine.</p> <p>2 Q. Did you write this?</p> <p>3 A. Yes, in consultation with others.</p> <p>4 Q. Can you see that or do you need Ali</p> <p>5 to blow that up a little?</p> <p>6 A. I can see it.</p> <p>7 Q. When you say you wrote it in</p> <p>8 consultation with others, can you identify</p> <p>9 those others?</p> <p>10 A. In consultation with my supervisor</p> <p>11 and inside legal counsel.</p> <p>12 Q. Your supervisor is Dr. Panzella?</p> <p>13 A. Correct.</p> <p>14 Q. Did you discuss with her the</p> <p>15 contents of this email before you sent it?</p> <p>16 A. I did.</p> <p>17 Q. And when you say inside counsel,</p> <p>18 who do you mean?</p> <p>19 A. Stan O'Loughlin.</p> <p>20 Q. And is he one of Ms. Rhodes'</p> <p>21 colleagues in the, what's called the Office</p> <p>22 of General Counsel?</p> <p>23 A. He is colleagues with her, yes.</p> <p>24 Q. Did you discuss this with anybody</p> <p>25 else?</p>

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<p style="text-align: right;">17</p> <p>1 A. No.</p> <p>2 Q. I want to go to the first large</p> <p>3 paragraph. And you can enlarge that, Ali.</p> <p>4 So in that, I guess it's the second full</p> <p>5 paragraph, I'll read, "I have received</p> <p>6 information that while this conduct</p> <p>7 proceeding was ongoing, you engaged in</p> <p>8 additional conduct that may have violated</p> <p>9 the Student Code of Conduct." Did I read</p> <p>10 that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Now, the letter here, unless I'm</p> <p>13 mistaken, doesn't specify what that</p> <p>14 additional conduct is. Can you clarify</p> <p>15 that?</p> <p>16 A. I believe that subsequent sentences</p> <p>17 begin to address that.</p> <p>18 Q. It says that you improperly engaged</p> <p>19 in communications following the February 4</p> <p>20 hearing. Are you referring to what's been</p> <p>21 termed I think an Open Letter that SJP sent</p> <p>22 on February the 4th?</p> <p>23 A. Yes.</p> <p>24 Q. All right, and just to get this out</p> <p>25 of the way, I want to mark Defendant's</p>	<p style="text-align: right;">18</p> <p>1 Exhibit 364 as Nabors 2. Ali, can you put</p> <p>2 that on the screen?</p> <p>3 All right, I'm showing you, Mr. Nabors,</p> <p>4 what's been marked as Exhibit 2. Is this</p> <p>5 the letter that is referenced in the March</p> <p>6 18 email?</p> <p>7 A. Yes.</p> <p>8 MR. BILUS: Can I see the top</p> <p>9 part of it? It looks like this is part of</p> <p>10 an email chain. So, Vic, when you're</p> <p>11 talking about the letter, are you talking</p> <p>12 about the specific part of this document or</p> <p>13 the whole document?</p> <p>14 Q. Good clarification. So my</p> <p>15 understanding is that where it, below the</p> <p>16 Bee Involved logo is what would have come</p> <p>17 to the university. Is that, I just want to</p> <p>18 make sure that we're talking about the same</p> <p>19 content. And, Ali, maybe you can scroll</p> <p>20 down to the other pages.</p> <p>21 Now that you've had a chance to review</p> <p>22 this, is this the communication that you</p> <p>23 reference in the March 18 letter?</p> <p>24 A. It is.</p> <p>25 Q. Yes, thank you. Let's go back to</p>
<p style="text-align: right;">19</p> <p>1 Nabors 1. Just for clarity's sake, I'm</p> <p>2 going to refer to this letter from here on</p> <p>3 out as the Open Letter or the February 4</p> <p>4 Open Letter. Is that agreeable to you, Mr.</p> <p>5 Nabors?</p> <p>6 A. You don't mean the letter that</p> <p>7 we're looking at; you mean the previous</p> <p>8 one?</p> <p>9 Q. Yes, yes, correct. I'm just</p> <p>10 looking for an easy handle to refer to that</p> <p>11 letter. So if I call it the Open Letter,</p> <p>12 can we agree that I'm referring to what is</p> <p>13 Nabors 2, the February 4 letter sent by SJP</p> <p>14 with 70 signatories?</p> <p>15 A. Yes.</p> <p>16 Q. When you say on Nabors 1 that</p> <p>17 additional conduct may have violated the</p> <p>18 Student Code and is now triggering this</p> <p>19 March 18 correspondence, is there any other</p> <p>20 conduct that prompted this email?</p> <p>21 A. There was, yes.</p> <p>22 Q. What would that be?</p> <p>23 A. There were concerns with language</p> <p>24 that representatives from SJP used during</p> <p>25 the hearing to panelists.</p>	<p style="text-align: right;">20</p> <p>1 Q. So language during the hearing.</p> <p>2 Can you be more specific; what kind of</p> <p>3 language?</p> <p>4 A. Panelists present for the hearing</p> <p>5 described to me that members or the</p> <p>6 students representing SJP made comments --</p> <p>7 I'm paraphrasing their paraphrasing -- but</p> <p>8 comments to the panelists that they should</p> <p>9 be careful about their decision, that</p> <p>10 people are watching, that they're working</p> <p>11 with lawyers, so they should think</p> <p>12 carefully about how they decide this. Those</p> <p>13 were comments that panelists referenced as</p> <p>14 concerning.</p> <p>15 Q. And do those comments go into the</p> <p>16 decision that is communicated in this March</p> <p>17 18 email?</p> <p>18 A. I'm sorry, can you ask that again?</p> <p>19 Q. Yeah, or, so as I said, this</p> <p>20 doesn't specifically identify the</p> <p>21 additional conduct, so I'm trying to</p> <p>22 establish, you know, what conduct is at</p> <p>23 issue. So we've identified the Open</p> <p>24 Letter, and then you said that there were</p> <p>25 comments made during the hearing which you</p>

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<p style="text-align: right;">21</p> <p>1 just clarified. And I'm asking if those</p> <p>2 comments were part of the decision that is</p> <p>3 communicated in this email that they're now</p> <p>4 suspended and that the proceedings will be</p> <p>5 started anew?</p> <p>6 A. Yes.</p> <p>7 Q. Now, in the last sentence of that</p> <p>8 second paragraph -- Ali, maybe you can make</p> <p>9 that a little bigger, at least for me -- so</p> <p>10 it says there, "As set forth in the Code,</p> <p>11 interference with the conduct process,</p> <p>12 which includes any action designed or with</p> <p>13 the potential to influence or intimidate</p> <p>14 any person... constitutes a serious</p> <p>15 violation." Did I read that correctly?</p> <p>16 A. I'm not seeing where you're saying</p> <p>17 that.</p> <p>18 Q. Second-to-last sentence in the</p> <p>19 second paragraph.</p> <p>20 A. Thank you.</p> <p>21 Q. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. So this says, "any action designed</p> <p>24 or with the potential to influence or</p> <p>25 intimidate." Did you write those words?</p>	<p style="text-align: right;">22</p> <p>1 A. I believe that those are in our</p> <p>2 policies.</p> <p>3 Q. And that sentence starts, "As set</p> <p>4 forth in the Code"; correct? So that's a</p> <p>5 representation that that is the Code of</p> <p>6 Conduct; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. But in fact are the words "designed</p> <p>9 or with the potential to" included in your</p> <p>10 Code of Conduct?</p> <p>11 A. I'd have to look, sir.</p> <p>12 Q. Okay, we'll come to that in a</p> <p>13 couple minutes. The next paragraph talks</p> <p>14 about consequences for the additional</p> <p>15 conduct, and the first one says that there</p> <p>16 will be additional charges; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And to be clear, the influence or</p> <p>19 interference or disruption with the</p> <p>20 proceeding at issue involves an incident</p> <p>21 that occurred in Pitt's Hillman Library in</p> <p>22 December 2024; correct? That was the</p> <p>23 subject of the first proceeding; is that</p> <p>24 right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">23</p> <p>1 Q. So this additional conduct that we</p> <p>2 just discussed, the Open Letter and the</p> <p>3 comments at the hearing, are what are</p> <p>4 prompting additional charges; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Now, that next sentence, it says,</p> <p>7 "due to the serious nature of these</p> <p>8 cumulative actions." What, what are you</p> <p>9 referring to there?</p> <p>10 A. All unresolved allegations of</p> <p>11 potential violations of the Student Code of</p> <p>12 Conduct.</p> <p>13 Q. So those are the library and the</p> <p>14 Open Letter as we've been discussing. What</p> <p>15 else, if anything?</p> <p>16 A. I believe all of the charges are</p> <p>17 connected to those two instances.</p> <p>18 Q. Well, there's a third one about</p> <p>19 somehow behaving improperly under</p> <p>20 suspension; is that a third charge?</p> <p>21 A. It is. It's -- I think that comes</p> <p>22 after this communication.</p> <p>23 Q. Okay. So when you said cumulative</p> <p>24 actions, is there anything else that that</p> <p>25 includes?</p>	<p style="text-align: right;">24</p> <p>1 A. It's meant to address any</p> <p>2 unresolved charges that were alleged at</p> <p>3 that point.</p> <p>4 Q. The only unresolved charge at this</p> <p>5 point is the library, the ones related to</p> <p>6 the library; correct?</p> <p>7 A. This letter references additional</p> <p>8 coming charges.</p> <p>9 Q. Okay, I guess my question is, do</p> <p>10 those encompass anything beyond the Open</p> <p>11 Letter and the comments made during the</p> <p>12 hearing?</p> <p>13 A. Can you repeat the question? Do</p> <p>14 those? I'm sorry.</p> <p>15 Q. I'm trying to understand the scope</p> <p>16 of cumulative actions, all right?</p> <p>17 A. Uh-huh.</p> <p>18 Q. So there's the library incident at</p> <p>19 issue in the first misconduct hearing on</p> <p>20 February 4. The new ones that we've just</p> <p>21 discussed -- and I don't want to put words</p> <p>22 in your mouth, so if I'm misstating</p> <p>23 something, please correct me -- we have</p> <p>24 additional charges based on the Open Letter</p> <p>25 and the students' statements or comments at</p>

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<p style="text-align: right;">25</p> <p>1 the hearing.</p> <p>2 My question is, and this is the 18th, so</p> <p>3 as you rightly point out, it's right before</p> <p>4 the alleged third violation involving</p> <p>5 social media posts. Is there any other</p> <p>6 conduct at issue here?</p> <p>7 A. No.</p> <p>8 Q. So I want to, in that same</p> <p>9 paragraph, go down to the word "Third." Do</p> <p>10 you see that? It says, "these actions also</p> <p>11 irreparably compromise the integrity and</p> <p>12 credibility of the current conduct</p> <p>13 proceeding." Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. And when you say current conduct</p> <p>16 proceeding, you're referring to the</p> <p>17 February 4 proceeding?</p> <p>18 A. Yes.</p> <p>19 Q. When you say irreparably compromise</p> <p>20 the integrity and credibility of the</p> <p>21 current conduct proceeding, can you explain</p> <p>22 why that's so?</p> <p>23 A. I was concerned that the letter to</p> <p>24 members of the board and their behavior</p> <p>25 during the hearing was an attempt to</p>	<p style="text-align: right;">26</p> <p>1 influence the board and the outcome of the</p> <p>2 hearing and compromised my faith in the</p> <p>3 outcome of the process, given that attempt.</p> <p>4 Q. Isn't the purpose of the hearing to</p> <p>5 allow the students to influence the</p> <p>6 tribunal?</p> <p>7 MR. BILUS: Object to the form.</p> <p>8 A. The purpose of the hearing is for</p> <p>9 students to present information and answer</p> <p>10 questions about the alleged violations.</p> <p>11 Q. And aren't they trying to influence</p> <p>12 the decision-makers to rule in their favor?</p> <p>13 A. I -- I think what I can answer is</p> <p>14 what we ask of them. What we ask of</p> <p>15 students is to present information</p> <p>16 truthfully in order to help panelists</p> <p>17 resolve alleged violations of the Code.</p> <p>18 That's what we ask of them.</p> <p>19 Q. And are students brought before the</p> <p>20 panel allowed to make arguments in addition</p> <p>21 to presenting facts?</p> <p>22 A. If -- it may be helpful for us to</p> <p>23 look at the sequence of events used for the</p> <p>24 -- for the panel hearings. That's what I</p> <p>25 would rely on to interpret what's allowable</p>
<p style="text-align: right;">27</p> <p>1 during the hearing.</p> <p>2 Q. You're not saying that students</p> <p>3 can't make arguments about why the</p> <p>4 university shouldn't punish them at one of</p> <p>5 these hearings, are you?</p> <p>6 A. I guess I'm saying that what's --</p> <p>7 what's the most accurate answer is to look</p> <p>8 at the process that we lay out in terms of</p> <p>9 questioning, statements, and closing</p> <p>10 statements. Everything that students are</p> <p>11 allowed to do is laid out in that process.</p> <p>12 Q. And I'm not asking for the perfect</p> <p>13 answer. I'm asking whether or not the</p> <p>14 process allows students to make arguments</p> <p>15 about why they shouldn't be punished, for</p> <p>16 instance, in a closing statement?</p> <p>17 A. Yes.</p> <p>18 Q. And is there a limit on the type of</p> <p>19 arguments you can make in your closing</p> <p>20 statement?</p> <p>21 A. Because we have policies that are</p> <p>22 meant to address actions that could</p> <p>23 potentially interfere with the process, I</p> <p>24 believe that there are limits to how</p> <p>25 students act, behave, speak, during the</p>	<p style="text-align: right;">28</p> <p>1 hearing or after a hearing.</p> <p>2 Q. And you think those are written</p> <p>3 down somewhere?</p> <p>4 A. Many of our policies are written so</p> <p>5 that there's enough room for interpretation</p> <p>6 in application.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. That our policies aren't written to</p> <p>9 specify every behavior in every</p> <p>10 circumstance.</p> <p>11 Q. Who decides what behavior is</p> <p>12 allowed or isn't allowed?</p> <p>13 A. I think what, what our</p> <p>14 administrators decide is whether or not</p> <p>15 that behavior is a potential violation of</p> <p>16 the policy, either in letter or in spirit.</p> <p>17 Q. So it's enough that a violation is</p> <p>18 a potential violation, that the conduct is</p> <p>19 a potential violation of a rule?</p> <p>20 A. To levy charges?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. How about to make a finding of</p> <p>24 misconduct?</p> <p>25 A. You'll have to repeat the whole</p>

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<p style="text-align: right;">29</p> <p>1 question for me, I'm sorry.</p> <p>2 Q. Is it enough to make a finding that</p> <p>3 a student or a group violated a rule simply</p> <p>4 because their action had the potential to</p> <p>5 violate a rule?</p> <p>6 A. I think in our system, in order to</p> <p>7 find a person responsible for a policy</p> <p>8 violation, we have to find that there's</p> <p>9 preponderance of the evidence that the</p> <p>10 violation, that the policy was violated.</p> <p>11 That's our standard.</p> <p>12 Q. The policy's violated as written or</p> <p>13 as interpreted by administrators?</p> <p>14 A. Both.</p> <p>15 Q. I heard you say that it's the</p> <p>16 potential to violate a policy both in</p> <p>17 letter and spirit. So I understand letter.</p> <p>18 That would be the rule as written. What</p> <p>19 does it mean to violate the spirit?</p> <p>20 A. We have a policy that, for</p> <p>21 instance, would prohibit students from</p> <p>22 providing alcohol to under-age persons.</p> <p>23 Providing, for instance, could take a</p> <p>24 number of different -- could be executed in</p> <p>25 a number of different ways. So if I hand</p>	<p style="text-align: right;">30</p> <p>1 an under-age person a beer or if I leave a</p> <p>2 beer out for an under-age person, that</p> <p>3 could violate the letter and the spirit of</p> <p>4 the policy.</p> <p>5 Q. Who made this decision to impose</p> <p>6 the interim suspension?</p> <p>7 A. I'm sorry?</p> <p>8 Q. Who made the decision to impose</p> <p>9 this interim suspension on March 18?</p> <p>10 A. I did in consultation with my</p> <p>11 supervisor and our legal counsel, inside</p> <p>12 legal counsel.</p> <p>13 Q. Any other Pitt staff?</p> <p>14 A. Those were the two humans that I</p> <p>15 interacted with around this decision.</p> <p>16 Q. So that's Dr. Panzella and Stan in</p> <p>17 the legal office?</p> <p>18 A. Correct.</p> <p>19 Q. Does Stan have a last name?</p> <p>20 A. O'Loughlin.</p> <p>21 Q. Look at that last line in the third</p> <p>22 paragraph. It says, "Under the</p> <p>23 circumstances presented here, the integrity</p> <p>24 of the process dictates that the current</p> <p>25 Conduct Hearing Board be dismissed and</p>
<p style="text-align: right;">31</p> <p>1 released from further deliberation without</p> <p>2 decision, and that the entire proceeding be</p> <p>3 vacated as null and void." Did I read that</p> <p>4 correctly?</p> <p>5 A. Yes.</p> <p>6 Q. When it says, "Under the</p> <p>7 circumstances presented here," what does</p> <p>8 that refer to?</p> <p>9 A. The improper communications, the</p> <p>10 concern about the interference with the</p> <p>11 conduct process.</p> <p>12 Q. Those concerns were great enough to</p> <p>13 abort the February 4 process?</p> <p>14 A. Yes.</p> <p>15 Q. It says, "the current Conduct</p> <p>16 Hearing Board be dismissed and released</p> <p>17 from further deliberation without</p> <p>18 decision." Do you know how much progress</p> <p>19 that first hearing board had made on a</p> <p>20 decision?</p> <p>21 A. I know that they were in</p> <p>22 deliberations.</p> <p>23 Q. Do you know whether they put pen to</p> <p>24 paper?</p> <p>25 A. I don't know the answer to that.</p>	<p style="text-align: right;">32</p> <p>1 Q. So you don't know whether or not</p> <p>2 they started an opinion or a decision or</p> <p>3 findings?</p> <p>4 A. I don't.</p> <p>5 Q. Did you ask them?</p> <p>6 A. I only was interested at that time</p> <p>7 about whether or not they had reached a</p> <p>8 decision, and they had not.</p> <p>9 Q. We'll explore that in a little bit.</p> <p>10 As you sit here now, are you aware of any</p> <p>11 draft findings that the first panel made?</p> <p>12 A. I have not seen any draft findings</p> <p>13 that the panel made.</p> <p>14 Q. Are you aware whether they made</p> <p>15 draft findings?</p> <p>16 A. No.</p> <p>17 Q. So just to clarify that, the</p> <p>18 consequences identified in this Nabors</p> <p>19 Exhibit 1, the interim, the new charges,</p> <p>20 interim suspension and aborting of the</p> <p>21 first process were all caused by a</p> <p>22 combination of the Open Letter and the</p> <p>23 students' comments at the February 4</p> <p>24 hearing; is that a fair statement?</p> <p>25 A. I'm sorry, can you say that again?</p>

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<p style="text-align: right;">33</p> <p>1 Q. I'm trying to summarize what, what 2 we have here. So is it a fair statement to 3 say that the additional charges, the 4 interim suspension that's being imposed, 5 and the aborting of the first conduct panel 6 in process was all triggered by a 7 combination of the Open Letter and what the 8 students said at the February 4 hearing? 9 A. Yes. 10 Q. So between February 4 and March 18 11 is -- I'm not a math major -- about six or 12 seven weeks. Why the delay? 13 A. The delay in what? 14 Q. So the letter was sent, the Open 15 Letter, Nabors 2, was sent on the evening 16 of February the 4th; correct? 17 A. Yes. 18 Q. You investigated and as of February 19 10 had spoken to the hearing, the initial 20 panel hearing officers; correct? 21 A. I don't have the exact date in 22 front of me, but that sounds -- that sounds 23 fair. 24 Q. Okay. So between February 10 and 25 March 18 is, I don't know, six weeks about,</p>	<p style="text-align: right;">34</p> <p>1 give or take. My question is, why the delay 2 in visiting these consequences on SJP? 3 A. I think from my perspective there 4 was an interest in being sort of 5 intentional about the decisions that we 6 make and considering them before we make 7 them. 8 Q. So was there work being done on 9 this matter between February 10 and March 10 18? 11 A. Work? Can you -- 12 Q. Let me define. I mean, you said 13 you wanted to be intentional. What if 14 anything was being done in relation to 15 SJP's new transgressions, I'll call them, 16 between February 10 and March 18? 17 A. What was being done? There were 18 discussions between myself and my 19 supervisor and our inside legal counsel. 20 Q. Tell me about the discussions with 21 Dr. Panzella. What were they about? 22 MR. BILUS: Let me just jump in. 23 If those discussions included inside, in- 24 house legal counsel, I'd like to object on 25 the basis of privilege and direct the</p>
<p style="text-align: right;">35</p> <p>1 witness not to answer. To the extent those 2 discussions occurred outside of the 3 presence of counsel, then you can answer. 4 A. All of our discussions were 5 together. 6 Q. So all the discussions you had 7 about SJP between February 10 and March 18 8 involved in-house University counsel? 9 A. Correct. 10 Q. You said you've done about 25 11 proceedings, half of which involved panels. 12 Did they all involve discussions with in- 13 house counsel? 14 A. Not all. 15 Q. What percentage would you say 16 involved in-house counsel? 17 A. Maybe half of the ones that went to 18 a Level II hearing. 19 Q. And what is it that necessitates 20 involvement of inside counsel? 21 MR. BILUS: I'm objecting. That 22 gets into a privileged area. Vic, I don't 23 think you can ask him about why they're 24 asking their lawyers for help. 25 Q. So besides discussions between</p>	<p style="text-align: right;">36</p> <p>1 February 10 and March 18, any other work 2 being done involving or relating to the new 3 additional conduct that we've been 4 discussing? 5 A. Any work consisted of 6 conversations. 7 Q. Let's go to -- let's mark this as 8 Nabors Exhibit 3. It is Bates No. 13856 to 9 57. Do you see what's marked as Nabors 3 10 on the screen, Mr. Nabors? 11 A. Yes. 12 Q. Do you recognize this document? 13 A. I do. 14 Q. What is it? 15 A. This is a notification to 16 representatives for SJP. 17 MR. BILUS: Can we see the 18 whole, just scan through quickly to see the 19 whole document? Thank you. 20 Q. Now, I note that this is signed by 21 somebody named Jamey Mentzer. Who is that? 22 A. The Associate Director of Student 23 Conduct. 24 Q. What's his relation to you? 25 A. Where does he sit in the</p>

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<p style="text-align: right;">37</p> <p>1 organization? I'm sorry, I need to -- I</p> <p>2 just want to make sure that I'm clear about</p> <p>3 what you're asking.</p> <p>4 Q. Yeah, sorry. Just, yeah, in kind</p> <p>5 of the organizational chart, where does he</p> <p>6 fall compared to where -- I mean, is he in</p> <p>7 your direct line of supervision; is he</p> <p>8 outside of that? Just, what's the</p> <p>9 relation?</p> <p>10 A. Jamey reports to the Director of</p> <p>11 Student Conduct, and the Director of</p> <p>12 Student Conduct has temporarily been</p> <p>13 reporting to me.</p> <p>14 Q. Okay. Who's the director?</p> <p>15 A. The Director of Student Conduct is</p> <p>16 Matt Landy.</p> <p>17 Q. So you supervise Mr. Landy, who</p> <p>18 supervises Mr. Mentzer; is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. So Exhibit 3 that we're looking at</p> <p>21 raises charges essentially grouped into</p> <p>22 three; is that correct? It looks like, let</p> <p>23 me say that there are a number of charges,</p> <p>24 but they relate to really three incidents?</p> <p>25 A. Can you scroll to the second page</p>	<p style="text-align: right;">38</p> <p>1 again? And back to the first page, I'm</p> <p>2 sorry. I think three is the right number,</p> <p>3 yes.</p> <p>4 Q. And if you need to look at the</p> <p>5 document, it's not ideal, be a lot easier</p> <p>6 in person, but feel free to please ask Ali</p> <p>7 whatever necessary. So the first set of</p> <p>8 charges relates to the Hillman Library</p> <p>9 incident that was the subject of the first</p> <p>10 February 4 panel; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And those charges are the same as</p> <p>13 they were initially back in February; is</p> <p>14 that right?</p> <p>15 A. Again, without the documents right</p> <p>16 in front of me, I -- I, you know, don't</p> <p>17 want to say definitively, but that's my</p> <p>18 understanding.</p> <p>19 Q. The second set there where it says</p> <p>20 alleged violations relating to actions</p> <p>21 taken during the board hearing process,</p> <p>22 that relates to what we have just been</p> <p>23 discussing, the Open Letter and the</p> <p>24 comments at the first disciplinary hearing;</p> <p>25 is that correct?</p>
<p style="text-align: right;">39</p> <p>1 A. Yes.</p> <p>2 Q. Does that relate to anything else,</p> <p>3 or that's the universe?</p> <p>4 A. Can you restate what you're asking</p> <p>5 whether or not these are related to?</p> <p>6 Q. I want to make sure that we</p> <p>7 understand the conduct that's identified as</p> <p>8 problematic. And based on the discussion</p> <p>9 we've just had, I'm asking whether or not</p> <p>10 that second set of charges relates to</p> <p>11 anything besides the Open Letter and the</p> <p>12 comments you identified that the students</p> <p>13 made at the hearing? Is there any other</p> <p>14 conduct encompassed by that?</p> <p>15 A. No.</p> <p>16 Q. And the third, third one, third set</p> <p>17 of charges, which is just a single charge</p> <p>18 with Conduct Rule 36, relates to a social</p> <p>19 media posting; is that fair?</p> <p>20 A. Yes.</p> <p>21 Q. That was made while they were on</p> <p>22 interim suspension?</p> <p>23 A. Yes.</p> <p>24 Q. I'm not trying to minimize that,</p> <p>25 but that's not the focus of this</p>	<p style="text-align: right;">40</p> <p>1 proceeding, so I'm just going to put that</p> <p>2 to the side for now. So a moment ago I had</p> <p>3 asked you about the language of the Code of</p> <p>4 Conduct, and you indicated you wanted to</p> <p>5 look at the actual text. So if you could</p> <p>6 look at Rules 42 and 43 on Nabors 3 and</p> <p>7 tell me whether those appear to be accurate</p> <p>8 renditions of those respective rules in the</p> <p>9 Pitt Code of Conduct?</p> <p>10 A. Yes.</p> <p>11 Q. Neither 42 nor 43 include the words</p> <p>12 potential, do they?</p> <p>13 A. The word potential is not listed</p> <p>14 there.</p> <p>15 Q. And it doesn't include the word</p> <p>16 design, does it?</p> <p>17 A. It does include the word attempts.</p> <p>18 Q. It doesn't include the word design;</p> <p>19 correct?</p> <p>20 A. It does not.</p> <p>21 Q. And on 43 it doesn't say attempt to</p> <p>22 disrupt; it says disrupts or interferes</p> <p>23 with the conduct process; is that correct?</p> <p>24 A. You're correct.</p> <p>25 Q. And does the University apply not</p>

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<p style="text-align: right;">41</p> <p>1 just the letter but a spirit interpretation</p> <p>2 to that rule?</p> <p>3 A. I think in my example about under-</p> <p>4 age, providing to under-age persons, I</p> <p>5 think that is consistently what we do, is</p> <p>6 to interpret our policies to make a</p> <p>7 determination about whether or not the</p> <p>8 preponderance of the evidence is that</p> <p>9 they've been violated.</p> <p>10 Q. So you're saying, or are you saying</p> <p>11 that somebody could violate Rule 43 without</p> <p>12 actually disrupting or interfering with the</p> <p>13 conduct process?</p> <p>14 A. I don't think that's what I'm</p> <p>15 saying.</p> <p>16 Q. Well, I hear you saying you apply</p> <p>17 it to all different situations, and I guess</p> <p>18 I'm trying to understand how strictly you</p> <p>19 interpret Rule 43, how much, how much</p> <p>20 leeway is there in deciding whether or not</p> <p>21 there's disruption or interference?</p> <p>22 A. So I just want to be clear that at</p> <p>23 this point, these are charges. I think you</p> <p>24 might be asking me about a decision-making</p> <p>25 process, and I was not involved in making a</p>	<p style="text-align: right;">42</p> <p>1 decision about whether or not these</p> <p>2 policies were actually violated. I was</p> <p>3 involved in deciding charges.</p> <p>4 Q. And what standard do you apply to</p> <p>5 deciding whether or not to bring such</p> <p>6 charges?</p> <p>7 A. It's a -- it's a very low standard.</p> <p>8 Q. How much evidence do you need to</p> <p>9 support charges?</p> <p>10 MR. BILUS: Vic, just to --</p> <p>11 Q. Let me rephrase. I'll rephrase it.</p> <p>12 MR. BILUS: Okay.</p> <p>13 Q. I'll strike that. I'll rephrase.</p> <p>14 Yeah, no, that, we'll reword it. My</p> <p>15 apologies.</p> <p>16 What disruption or interference were you</p> <p>17 aware of in bringing these charges?</p> <p>18 A. The two circumstances that we noted</p> <p>19 thus far, the Open Letter and language used</p> <p>20 during the previous hearing.</p> <p>21 Q. What evidence do you have that the</p> <p>22 proceedings were actually disrupted?</p> <p>23 A. My conversations with the three</p> <p>24 panelists were part of the information we</p> <p>25 used, in addition to the Open Letter.</p>
<p style="text-align: right;">43</p> <p>1 Q. So is the Open Letter by itself</p> <p>2 enough to constitute disruption or</p> <p>3 interference?</p> <p>4 A. Well, in this case I felt it was</p> <p>5 necessary to talk with the three panelists,</p> <p>6 so I used that and the conversations to</p> <p>7 substantiate this charge.</p> <p>8 Q. So you relied on what the panelists</p> <p>9 told you about their reaction to the Open</p> <p>10 Letter?</p> <p>11 A. I relied on information shared with</p> <p>12 me during those conversations.</p> <p>13 Q. By those conversations, you're</p> <p>14 referring to the interviews with the three</p> <p>15 panel members?</p> <p>16 A. Correct.</p> <p>17 Q. What other information did you have</p> <p>18 about the effect of the letter or the</p> <p>19 comments made during the hearing besides</p> <p>20 what you got from the interviews with the</p> <p>21 three hearing officers?</p> <p>22 A. That's it.</p> <p>23 Q. How are you doing in terms of, do</p> <p>24 you need a break? Or we can do a short one</p> <p>25 or we can keep going and do it in a little</p>	<p style="text-align: right;">44</p> <p>1 bit. What's your preference?</p> <p>2 A. We can keep going.</p> <p>3 Q. Okay, sounds good. All right,</p> <p>4 let's go to, let's mark this as -- what are</p> <p>5 we on, 4? Mark this as Nabors 4, Bates</p> <p>6 13881. Scroll up, Ali.</p> <p>7 I show you what's been marked as Exhibit</p> <p>8 4. Do you recognize this?</p> <p>9 A. I recognize this, this form, but I</p> <p>10 don't believe I've looked at this exact</p> <p>11 letter, no.</p> <p>12 Q. Were you involved in the</p> <p>13 recommended, in deciding on what the</p> <p>14 recommended sanctions should be?</p> <p>15 A. No. Like, well, sorry. For which?</p> <p>16 Q. So --</p> <p>17 A. No, no.</p> <p>18 Q. I'm sorry.</p> <p>19 A. No.</p> <p>20 Q. All right, so looking at Exhibit 4,</p> <p>21 it says Recommended sanction there?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you see that's underlined? And</p> <p>24 then below that it says, "Termination of</p> <p>25 Registration with the ability to reapply</p>

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<p style="text-align: right;">45</p> <p>1 for reinstatement after two years." Did I 2 read that correctly? 3 A. You did. 4 Q. My question was whether you were 5 involved in that, making that recommended 6 sanction? 7 A. I'm sorry, I was involved in making 8 that recommended sanction. My apologies. 9 Q. Not a worry. You know, and again, 10 if there's something that you say that you 11 realize you may have made an error and want 12 to correct that, now is absolutely the best 13 time to do that. Although I'm not trying to 14 give you advice that should come from your 15 lawyer, but just, you know, we want to be 16 transparent here. We're just trying to get 17 your side of the story here. 18 A. Thank you. 19 Q. So did you make this decision by 20 yourself or did it involve other people? 21 A. It involved other people. 22 Q. Can you identify those other 23 people? 24 A. Dr. Panzella and Stan O'Loughlin. 25 Q. And what was the basis for</p>	<p style="text-align: right;">46</p> <p>1 recommending a two-year termination of 2 registration? 3 A. There were a separate set of 4 recommended sanctions after the first or 5 related to the first hearing. I think what 6 we did was, in consideration of the new 7 charges, extend the recommended sanctions 8 from this, from the first hearing to 9 encompass the new, you know, the potential, 10 the new violations. 11 Q. So the presumption would be that 12 they would be found responsible for the 13 first set of hearings; is that right? 14 A. I don't -- I don't know that 15 there's a presumption here. But the -- 16 yeah, I don't think that there's a 17 presumption here. 18 Q. If you're adding onto the 19 recommended sanctions for the first one, 20 then that's in addition to if they violated 21 any rules for the library incident; is that 22 correct? 23 A. Yeah, I think it might be helpful 24 to review the process so that you're clear 25 about the role that the disciplinary</p>
<p style="text-align: right;">47</p> <p>1 conference plays in the process. There's 2 no presumption. 3 Q. Yeah, would you mind describing 4 that for us? 5 A. It provides students with an 6 opportunity to accept responsibility and 7 accept sanctions. 8 Q. Is there any negotiation over those 9 sanctions during this process or is it a 10 take-it-or-leave-it situation? 11 A. Again, I would have to refer to our 12 practice as laid out in the Code. I -- I 13 don't believe that our policies are written 14 as if the disciplinary conference is a 15 negotiation. 16 Q. So beneath that recommended 17 sanction it asked the students to respond 18 with a number of possible paths, from 19 admitting to sort of admitting to denying. 20 But if they were to admit, then they would 21 accept a two-year deregistration; is that 22 correct? 23 A. "And accept the above-recommended 24 sanctions" is what the letter reads. 25 Q. Are you familiar with the</p>	<p style="text-align: right;">48</p> <p>1 consequences for SJP of deregistration? 2 A. Can you ask the question again? 3 Q. Are you familiar with the 4 consequences that would befall SJP if they 5 were deregistered for two years or 6 deregistered at all, what are the 7 consequences for how they can operate? 8 A. Yes. 9 Q. And what are those consequences? 10 A. Well, roughly that they're not 11 allowed to operate as a registered student 12 organization under our expectations and 13 privileges of registered student 14 organizations. 15 Q. And would that include a loss of 16 University funding? 17 A. It would preclude them from 18 receiving funding from the Student 19 Government Board. 20 Q. And that could be \$10,000 or more 21 per semester; is that right? 22 A. I don't -- I don't have good 23 information about that. 24 Q. And would deregistration deny them 25 access to use of any Pitt facilities for</p>

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<p style="text-align: right;">49</p> <p>1 lectures, programs, presentations, 2 meetings, the like? 3 A. Them, the organization? Like, 4 please -- 5 Q. The organization, yeah. 6 A. It would prevent, yes, it would 7 prevent the student organization from 8 reserving space. 9 Q. And they would not allow them to 10 use any of the University's internal 11 communications channels? 12 A. I don't -- I don't know what you 13 mean. 14 Q. Neither do I. Do you have internal 15 -- do you have internal communications 16 challenges? Or channels? Sorry. Are 17 there like ListServes, for instance? If 18 students want to make an announcement about 19 something going on, are there mediums 20 within the University to do that? 21 A. There is -- students can have 22 posters approved. That's a -- that's a way 23 that students can, student groups can 24 advertise. 25 Q. And those posters can be displayed</p>	<p style="text-align: right;">50</p> <p>1 where? 2 A. I don't have exact places for you. 3 There are places around the University that 4 they can be. I just don't know the exact 5 locations. 6 Q. And if a group is deregistered, 7 they can no longer display posters on 8 campus; is that right? 9 A. Correct. 10 Q. Okay. Let's mark as Exhibit 5 11 Bates 2629. Showing you what's been marked 12 as Exhibit 5, do you recognize this 13 document? I was going to say, if you need 14 to look at another part of it, just let us 15 know. 16 A. Can you scroll, Ali, please? 17 Yes, I recognize this language, yes. 18 Q. Have you seen this document before? 19 A. So, yes. 20 Q. What is it; what is this document? 21 A. This, this looks like this was some 22 version of the opening sort of statement 23 that we planned to use for the hearing. 24 Q. When you say we, who are you 25 referring to?</p>
<p style="text-align: right;">51</p> <p>1 A. Myself and Dr. Karin Asher. 2 Q. What role did the two of you play 3 in the May 23 proceeding? 4 A. We were witnesses. 5 Q. And did you have any involvement in 6 drafting the language in Exhibit 5? 7 A. The one that we are looking at? 8 Q. Yes. 9 A. I did. 10 Q. What role? Did you draft this? 11 A. This, this was a shared document 12 between Dr. Asher and myself, so we both 13 authored portions of this. 14 Q. So would you say it was jointly 15 produced by you and Dr. Asher? 16 A. Yes. 17 Q. Did anybody else help you with this 18 or assist in this? 19 A. Broadly, but I don't know -- I 20 don't know how to answer that. Let me see. 21 Did anyone else assist you? Can you say 22 that for me again? 23 Q. Did anybody else review or 24 contribute to this document? 25 A. There was no one else that</p>	<p style="text-align: right;">52</p> <p>1 contributed to this document, no. I would 2 -- no. 3 Q. Is there anybody who reviewed it 4 and gave you feedback on the document? 5 A. Yes. Dr. Panzella reviewed it and 6 gave us feedback. 7 Q. And do you remember what that 8 feedback was? 9 A. Not specifically, no. 10 MR. BILUS: Vic, while you're 11 pausing, did you want to try to plan for a 12 break maybe in five minutes or so since 13 we've been going almost an hour and a half? 14 MR. WALCZAK: Sure, yeah. Maybe 15 we can get through this document, which I 16 don't think I have a lot, so, okay. 17 MR. BILUS: Thank you. 18 MR. WALCZAK: Yeah. 19 Q. (BY MR. WALCZAK) So, Ali, can you 20 go to the top of the document? 21 So in that first paragraph, five lines 22 down, it says, "University staff addressed 23 in a content-neutral manner," fifth line 24 down on the left. Do you see that? 25 A. I do.</p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 Q. Whose language is that?</p> <p>2 A. I mean, this was a conversation</p> <p>3 between Dr. Asher and I, so I don't -- I</p> <p>4 don't remember who exactly wrote that part.</p> <p>5 Q. And what does content-neutral</p> <p>6 manner mean to you?</p> <p>7 A. In general or in this context?</p> <p>8 Q. In this context.</p> <p>9 A. Content-neutral meaning with only</p> <p>10 regard to the behavior and the applicable</p> <p>11 policies.</p> <p>12 Q. So go down to the first line in the</p> <p>13 third paragraph on the first page. It</p> <p>14 says, "SJP actions as part of the</p> <p>15 disciplinary process provide more examples</p> <p>16 of their intentionally subversive actions."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What are you referring to as</p> <p>20 intentionally subversive actions?</p> <p>21 A. It's not clear to me what stage of</p> <p>22 the drafting process this document is in.</p> <p>23 I don't know if this is our final version</p> <p>24 or not. I think that I just, I want to</p> <p>25 make that, make that point. As Dr. Asher</p>	<p style="text-align: right;">54</p> <p>1 and I were discussing this potential</p> <p>2 opening statement, we wanted to make the</p> <p>3 point that SJP's actions were not</p> <p>4 unintentional, that they were not made by</p> <p>5 accident, that these were deliberate</p> <p>6 decisions made on their part.</p> <p>7 Q. So the deliberate would be</p> <p>8 reflected by intentionally. What do you</p> <p>9 mean by subversive?</p> <p>10 A. Actions meant to challenge the</p> <p>11 system.</p> <p>12 Q. Is that illegal?</p> <p>13 A. Well, I'm not a lawyer. I deal</p> <p>14 with student conduct.</p> <p>15 Q. As a non-lawyer involved in student</p> <p>16 conduct, is it legal for students to engage</p> <p>17 in subversive action?</p> <p>18 MR. BILUS: Object to the form.</p> <p>19 A. Are you asking me illegal or are</p> <p>20 you asking me against policy? I'm sorry,</p> <p>21 can you just restate where you're going?</p> <p>22 Q. I'm trying to understand what you</p> <p>23 mean by subversive here.</p> <p>24 A. If, I think that if a person is</p> <p>25 intentionally violating a policy, that's</p>
<p style="text-align: right;">55</p> <p>1 meant to challenge the policies themselves.</p> <p>2 Q. Sounds to me like you're defining</p> <p>3 civil disobedience here?</p> <p>4 MR. BILUS: Objection. Is that</p> <p>5 a question, Vic, or just a statement?</p> <p>6 MR. WALCZAK: It's on question,</p> <p>7 Sandy. I'll strike that.</p> <p>8 Q. (BY MR. WALCZAK) Mr. Nabors, was</p> <p>9 this read at the May 23 hearing to the</p> <p>10 hearing officers, or what, how was this</p> <p>11 document used?</p> <p>12 A. I know that this was a preparatory</p> <p>13 document. I don't -- I don't -- I would</p> <p>14 need to have more information to determine</p> <p>15 if this is the one that we actually used in</p> <p>16 the hearing.</p> <p>17 Q. So this is I think the fullest one</p> <p>18 we have.</p> <p>19 MR. WALCZAK: I'm wondering if</p> <p>20 counsel might look to see if there is a</p> <p>21 document that is more up to date or that it</p> <p>22 was actually used at the May 23 hearing,</p> <p>23 Sandy?</p> <p>24 MR. BILUS: We can look. I</p> <p>25 don't know if this had metadata associated</p>	<p style="text-align: right;">56</p> <p>1 with it or not. We can see if there's a</p> <p>2 later version.</p> <p>3 Q. (BY MR. WALCZAK) So regardless</p> <p>4 whether this is the, or irrespective of</p> <p>5 whether this is the final version or not,</p> <p>6 would that document, whatever the final</p> <p>7 version was, whether it's this or something</p> <p>8 else, would that have been recited to the</p> <p>9 hearing panel on May 23?</p> <p>10 A. What specifically?</p> <p>11 Q. So it says Opening Statement. Did</p> <p>12 somebody just read this, or how is this</p> <p>13 used?</p> <p>14 A. Correct; this would have been read</p> <p>15 as an opening statement.</p> <p>16 Q. So I want to look at the last</p> <p>17 sentence in that third paragraph. "These</p> <p>18 actions created the potential for undue</p> <p>19 influence on panelists, which is a</p> <p>20 violation of the Code of Conduct." Did I</p> <p>21 read that correctly?</p> <p>22 A. You did.</p> <p>23 Q. As we discussed before, potential</p> <p>24 for undue influence is not the language</p> <p>25 used in the actual Code of Conduct rule;</p>

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. Why did you add that language?</p> <p>4 A. Well, I think it was the panel's</p> <p>5 decision about whether or not that policy</p> <p>6 was violated.</p> <p>7 Q. So is the issue whether or not the</p> <p>8 students potentially created undue</p> <p>9 influence or whether they actually</p> <p>10 instigated undue influence? And this goes</p> <p>11 back to the questions we had a little while</p> <p>12 ago.</p> <p>13 A. There is some language in the</p> <p>14 policy that deals with attempt as well,</p> <p>15 which I think is an important part to</p> <p>16 consider.</p> <p>17 MR. WALCZAK: All right, why</p> <p>18 don't we break here. Can we do ten minutes</p> <p>19 and come back at 12:45?</p> <p>20 MR. BILUS: That will be great.</p> <p>21 MR. WALCZAK: Okay, thanks. (A</p> <p>22 recess was taken 12:38 to 12:48 p.m.)</p> <p>23 Q. (BY MR. WALCZAK) Did you attend</p> <p>24 the May 23 hearing?</p> <p>25 A. I did.</p>	<p style="text-align: right;">58</p> <p>1 Q. And you I believe said you were a</p> <p>2 witness?</p> <p>3 A. Correct.</p> <p>4 Q. So you testified at that hearing?</p> <p>5 A. Correct.</p> <p>6 Q. Did the process, did the procedures</p> <p>7 or process around that May 23 hearing</p> <p>8 differ from the process or procedures at</p> <p>9 the February 4 hearing?</p> <p>10 A. So I was not at the February 4</p> <p>11 hearing, so I would need to compare the two</p> <p>12 sort of agendas, and I have not done that.</p> <p>13 Q. I believe you said you've been</p> <p>14 involved in about a dozen proceedings that</p> <p>15 have gone to a panel hearing; is that</p> <p>16 right?</p> <p>17 A. More or less.</p> <p>18 Q. Yeah, approximately. Over the</p> <p>19 course of the approximately six months that</p> <p>20 you've been at Pitt and involved in these</p> <p>21 proceedings, did you direct any changes in</p> <p>22 process or procedures for these hearings?</p> <p>23 A. At times, yes.</p> <p>24 Q. What kind of changes?</p> <p>25 A. Whether or not it was desirable to</p>
<p style="text-align: right;">59</p> <p>1 call witnesses for a case, for instance, is</p> <p>2 one thing that I can think of.</p> <p>3 Q. And how did you direct a change on</p> <p>4 that or what was the change?</p> <p>5 MR. BILUS: Is this for -- can</p> <p>6 we focus on the SJP hearing? I'm not sure</p> <p>7 why we're going out of scope here.</p> <p>8 MR. WALCZAK: We are focused on</p> <p>9 the SJP hearing. I'm trying to -- I'm</p> <p>10 trying to understand whether or not the</p> <p>11 process was different from February 4. And</p> <p>12 he testified that he was not there, so I'm</p> <p>13 asking whether or not, in his capacity as</p> <p>14 overseeing these processes, whether he</p> <p>15 directed any changes in how the proceedings</p> <p>16 should work. I think that's fair game.</p> <p>17 MR. BILUS: For the May SJP</p> <p>18 hearing or for all the hearings that he's</p> <p>19 ever been involved with? That's what I'm</p> <p>20 unsure.</p> <p>21 MR. WALCZAK: Right now I'm</p> <p>22 asking about generally, whether or not he</p> <p>23 direct -- you know, so as somebody who came</p> <p>24 in, was learning the process, observing it,</p> <p>25 did at some point between January and the</p>	<p style="text-align: right;">60</p> <p>1 end of May he direct changes in how these</p> <p>2 proceedings should operate.</p> <p>3 MR. BILUS: Okay.</p> <p>4 MR. WALCZAK: I think he said</p> <p>5 yes, and my question is like what, what</p> <p>6 kinds of changes?</p> <p>7 A. Yeah, the only thing that comes to</p> <p>8 mind is making a decision about whether or</p> <p>9 not witnesses would be called for a</p> <p>10 particular hearing or not.</p> <p>11 Q. (BY MR. WALCZAK) What was the</p> <p>12 actual change?</p> <p>13 A. Well, I don't know; maybe that</p> <p>14 wasn't a change to the procedure. We</p> <p>15 didn't end up calling or inviting any</p> <p>16 witnesses to participate.</p> <p>17 Q. So was this about whether or not</p> <p>18 witnesses were allowed at hearings? Or I'm</p> <p>19 not following.</p> <p>20 A. It was not about whether or not</p> <p>21 witnesses were allowed at hearings.</p> <p>22 Q. What was it about witnesses that</p> <p>23 was being changed?</p> <p>24 A. So maybe I should revise my answer.</p> <p>25 I can't think of any procedural changes</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 that I made to hearings this, this semester</p> <p>2 while I've been employed at Pitt.</p> <p>3 Q. Were there any changes made in</p> <p>4 directions that the panel gave to the</p> <p>5 parties in terms of dos and don'ts?</p> <p>6 A. Can you ask again? I'm sorry.</p> <p>7 Q. Yeah. So did you direct any</p> <p>8 changes into what directions were given to</p> <p>9 students appearing before a panel either</p> <p>10 before, during, or after a proceeding?</p> <p>11 A. That, that is possible. I -- I</p> <p>12 think what I would need to do is to look at</p> <p>13 the instructions that were given to</p> <p>14 students before the February hearing and</p> <p>15 before the May hearing. I just, I don't</p> <p>16 know for sure.</p> <p>17 Q. Do you know whether there was a</p> <p>18 change that inserted language specifically</p> <p>19 telling students that they could not</p> <p>20 communicate with panel hearing officers</p> <p>21 after the conclusion of the hearing?</p> <p>22 A. I don't -- I don't know for sure</p> <p>23 that that was added.</p> <p>24 Q. And are you aware that that was not</p> <p>25 something that was told to students</p>	<p style="text-align: right;">62</p> <p>1 appearing before a panel prior to May?</p> <p>2 A. I can't answer that confidently.</p> <p>3 Q. Do you know whether the students</p> <p>4 are told specifically, either in writing or</p> <p>5 verbally at a hearing, that they should not</p> <p>6 communicate directly with hearing officers</p> <p>7 after the close of the proceedings?</p> <p>8 A. I don't know confidently that that</p> <p>9 instruction is given.</p> <p>10 Q. So you're not aware that that</p> <p>11 instruction is generally given?</p> <p>12 A. Correct.</p> <p>13 Q. And you're not aware that it was</p> <p>14 given to the students on the February 4</p> <p>15 hearing?</p> <p>16 A. Correct.</p> <p>17 Q. And you're not aware that it was</p> <p>18 given to the students at the May 23</p> <p>19 hearing?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Well, let me ask you, you</p> <p>22 were at that May 23 hearing. Do you recall</p> <p>23 that instruction being given to the SJP</p> <p>24 students?</p> <p>25 A. I don't recall. I would need to</p>
<p style="text-align: right;">63</p> <p>1 look back at the -- at the script. I don't</p> <p>2 recall that specifically.</p> <p>3 Q. And what we're talking about is</p> <p>4 some kind of direction making clear that</p> <p>5 communication with panel hearing officers</p> <p>6 after the hearing is prohibited. You don't</p> <p>7 recall that?</p> <p>8 A. I -- I don't recall that coming up</p> <p>9 at the hearing.</p> <p>10 Q. I note there was a Mr. Bruce Albert</p> <p>11 who was, I think was he the hearing</p> <p>12 manager? What do you call Mr. Albert at</p> <p>13 the May 23 hearing; what was his role?</p> <p>14 A. The hearing moderator.</p> <p>15 Q. What's the hearing moderator's</p> <p>16 role?</p> <p>17 A. To lead the proceedings and ensure</p> <p>18 that all relevant information is brought to</p> <p>19 the panel.</p> <p>20 Q. What does the person in that role</p> <p>21 do to ensure that all relevant information</p> <p>22 is brought to the panel? How do they do</p> <p>23 that?</p> <p>24 A. Ask questions, clarify questions,</p> <p>25 clarify process, ask for certain topics or</p>	<p style="text-align: right;">64</p> <p>1 areas not to be explored to keep things on</p> <p>2 track.</p> <p>3 Q. So the moderator is an active</p> <p>4 presence during the hearing?</p> <p>5 A. Yeah, yes.</p> <p>6 Q. And was Mr. Albert active during</p> <p>7 the May 23 proceeding?</p> <p>8 A. I feel that's a little too broad</p> <p>9 for me to answer that.</p> <p>10 Q. I note Mr. Albert is not a</p> <p>11 University of Pittsburgh employee; is that</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. In any of the other 25 or so</p> <p>15 proceedings that you've been involved in</p> <p>16 since you started in January, has there</p> <p>17 been a non-Pitt employee enlisted as</p> <p>18 moderator?</p> <p>19 A. No.</p> <p>20 Q. Why did you -- why did -- were you</p> <p>21 involved in the decision to select Mr.</p> <p>22 Albert?</p> <p>23 A. I was not.</p> <p>24 Q. Who made that decision?</p> <p>25 A. That was a decision by the Vice</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 Provost.</p> <p>2 Q. By Dr. Panzella?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And you didn't -- have you ever</p> <p>5 asked her why she made that decision?</p> <p>6 A. No.</p> <p>7 Q. Was there any discussion about who</p> <p>8 would be the moderator? Were you</p> <p>9 participating in any discussion about who</p> <p>10 would be the moderator?</p> <p>11 A. I was not a participant in the --</p> <p>12 well, I mean, yes, I was a participant in</p> <p>13 the discussion about whether or not Matt</p> <p>14 Landy, who is the Director of Student</p> <p>15 Conduct, whether or not he should continue</p> <p>16 in the role as moderator. That's the part</p> <p>17 of the discussion that I was involved in.</p> <p>18 Q. So Mr. Landy was the moderator for</p> <p>19 the February 4 discussion?</p> <p>20 A. Hearing, correct.</p> <p>21 Q. Right, sorry. And what was the</p> <p>22 discussion about whether he would continue</p> <p>23 in that role on May 23 for the second</p> <p>24 proceedings?</p> <p>25 MR. BILUS: Again, to the extent</p>	<p style="text-align: right;">66</p> <p>1 those discussions involve counsel, I would</p> <p>2 object on the basis of privilege. I don't</p> <p>3 know if they did or not, but I'm just, if</p> <p>4 that's calling for privileged information,</p> <p>5 I would object.</p> <p>6 Q. What's your understanding of why</p> <p>7 Mr. Landy did not continue as moderator for</p> <p>8 the May 23 decision? May 23 proceedings?</p> <p>9 Sorry.</p> <p>10 A. I had a very limited role in that</p> <p>11 conversation. I think that I may have said</p> <p>12 to Dr. Panzella that if we were vacating</p> <p>13 the original hearing, that we should, you</p> <p>14 know, wipe everyone clean, including the</p> <p>15 moderator. And that's, that I believe was</p> <p>16 the extent of my involvement in the</p> <p>17 discussion.</p> <p>18 Q. You were not party to any</p> <p>19 discussions about whether that moderator</p> <p>20 should be a Pitt employee?</p> <p>21 A. No.</p> <p>22 Q. Are you aware of the University</p> <p>23 ever using a non-Pitt employee as moderator</p> <p>24 at a disciplinary panel?</p> <p>25 A. I mean, yes. I mean, I am -- I</p>
<p style="text-align: right;">67</p> <p>1 guess what's more accurate to say is that</p> <p>2 I'm aware of this practice. I don't have</p> <p>3 any specific circumstance at Pitt that I</p> <p>4 can point to.</p> <p>5 Q. Are you talking about practice at</p> <p>6 Pitt or practice in the industry or what?</p> <p>7 A. Practice in -- practice in the</p> <p>8 industry.</p> <p>9 Q. Are you aware of this practice at</p> <p>10 Pitt outside of the May 23 hearing?</p> <p>11 A. I cannot reference any cases that I</p> <p>12 have knowledge of that used an outside</p> <p>13 hearing moderator.</p> <p>14 Q. Between February 4 and May 23 are</p> <p>15 you aware of any changes in how panel</p> <p>16 hearing officers are selected?</p> <p>17 A. I am not clear on how panelists</p> <p>18 were selected for the February hearing.</p> <p>19 Q. Were you involved in panel</p> <p>20 selection for May 23?</p> <p>21 A. That was Dr. Panzella and our</p> <p>22 inside legal counsel.</p> <p>23 Q. They are the ones who selected the</p> <p>24 panel members?</p> <p>25 A. I -- I think that I was involved in</p>	<p style="text-align: right;">68</p> <p>1 the conversation about the panelists for</p> <p>2 the May hearing.</p> <p>3 Q. What was your role, just to be part</p> <p>4 of discussions?</p> <p>5 A. I reviewed information about the</p> <p>6 panelists' potential for bias connected to</p> <p>7 this hearing and shared that information</p> <p>8 with Dr. Panzella and our internal counsel.</p> <p>9 Q. And how did you -- so you were in</p> <p>10 charge of assessing potential bias of panel</p> <p>11 members?</p> <p>12 A. I was in charge of collecting that</p> <p>13 information and then providing information</p> <p>14 for the conversation with Dr. Panzella and</p> <p>15 Stan.</p> <p>16 Q. What did -- how did you collect</p> <p>17 that information; what did you do?</p> <p>18 A. I believe that they were sent an</p> <p>19 email survey.</p> <p>20 Q. Did you develop that survey or did</p> <p>21 somebody else do that?</p> <p>22 A. I did not develop the survey.</p> <p>23 Q. So it was given to you and you sent</p> <p>24 it to prospective panelists?</p> <p>25 A. I don't even know if I sent it,</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 sir. I would have to look back to, to be 2 clear about that. I just know that I looked 3 at the results and we had conversations 4 about the results. 5 Q. How many panelists did you 6 consider? 7 A. We got feedback from eight people. 8 Q. How were those eight people 9 selected? 10 A. From either existing board members 11 or panelists or people who had panel 12 experience. 13 Q. Is there a list of potential panel 14 members, or how does that work if you know? 15 A. My understanding is that the 16 Director of Student Conduct maintains a 17 list of active panelists or people who have 18 served on panels in the past. 19 Q. And are you aware of any change in 20 panelist selection process between February 21 and May 23? 22 A. I am not confident about what the 23 panel selection process was prior to May. 24 Q. Do you know what training, if any, 25 panel hearing officers -- what, how do you</p>	<p style="text-align: right;">70</p> <p>1 refer to them; what do you call them? 2 A. Panelists. 3 Q. I mean, are you aware of what, if 4 any, training panelists receive for this, 5 this role? 6 A. At Pitt specifically I was not 7 involved in their training and I don't know 8 what training was offered to them. 9 Q. Do you know what instructions they 10 have about what they should and shouldn't 11 do while they're deliberating on a matter? 12 A. Sorry, can you ask that one more 13 time? 14 Q. Are you aware whether the panelists 15 are given any instructions about, for 16 instance, not reading newspapers or opening 17 social media; are there any restrictions on 18 how panelists should comport themselves 19 while they are deliberating on a matter, on 20 a disciplinary matter? 21 A. I'm not aware of any guidance. 22 Q. All right. Let's look at, let's 23 mark as Exhibit 6 Bates No. 2595. Do you 24 see what's been marked as Exhibit 6 on the 25 screen, Mr. Nabors?</p>
<p style="text-align: right;">71</p> <p>1 A. I do. 2 Q. What is this? 3 A. Looks like it's an email to my 4 executive assistant. 5 Q. And this says that you'll be having 6 a 15-minute chat every morning with Carla 7 to check in about the SJP conduct process; 8 is that correct? 9 A. That's right. 10 Q. And did these 15-minute sessions 11 occur? 12 A. Not every morning. 13 Q. How often? 14 A. I could not say. 15 Q. Was anybody else part of these 16 discussions? 17 A. Sometimes our -- Stan would be 18 involved. 19 Q. But not always? 20 A. But not always. 21 Q. What did you talk about when Stan 22 was not there? 23 A. It would be difficult for me to 24 make a meaningful distinction because I 25 don't -- his presence wasn't necessarily</p>	<p style="text-align: right;">72</p> <p>1 the thing that, that marked the 2 conversation for me, so I don't know if I 3 could accurately say. 4 Q. In other proceedings you've, 5 conduct proceedings you've been involved 6 in, did you have regular meetings with Dr. 7 Panzella before those proceedings? 8 A. It's not uncommon for Dr. Panzella 9 and I to talk about open conduct cases. 10 Q. Is she involved in all conduct 11 cases? 12 A. She requires updates and 13 information about conduct cases. 14 Q. How often is she involved in 15 shaping what a conduct process can or 16 should look like? 17 MR. BILUS: Object to the form. 18 A. I would say we pretty consistently 19 just try and use our process and stick to 20 what's in our policies and procedures. So, 21 you know, my conversations with Dr. 22 Panzella about conduct cases are typically 23 updates. 24 Q. Have you had another case in your 25 tenure at Pitt where you had nearly daily</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 meetings with Dr. Panzella about the 2 disciplinary proceedings? 3 A. No. 4 Q. Have you had any other proceedings 5 that went to a panel hearing during your 6 tenure at Pitt that involved discussions 7 with University counsel prior to the 8 hearing? 9 A. Yes. 10 Q. Out of the approximately dozen that 11 you've been involved in, what percentage of 12 those involved counsel, in your estimation? 13 A. Half. 14 Q. Let's mark as Exhibit 7 Bates 15 13886. I'll show you what's been marked as 16 Exhibit 7. Do you recognize this document? 17 A. Sure, yes. 18 Q. What is it? 19 A. It looks like this is a page of the 20 information that was provided for the 21 hearing. 22 Q. Does this go to the panel members? 23 A. I don't know that confidently. I 24 don't know what the -- what the -- what the 25 hearing moderator shared and what things --</p>	<p style="text-align: right;">74</p> <p>1 I don't know that. 2 Q. This is a document that either you 3 compiled or was compiled under your 4 direction? 5 A. Like this individual page? 6 Q. Yes. 7 A. Sure, yes. 8 Q. Does the listing of the evidence 9 there, is that the sum total of evidence 10 that goes to the panel? Or tell me what 11 that is. 12 A. So I believe, and again this is, I 13 don't think that this is a stand-alone 14 document. I think that this was maybe part 15 of more pieces of information. But I 16 believe that this is the pieces of 17 information that Dr. Asher and I prepared 18 to bring to the hearing that we 19 participated in. 20 Q. Is this part of what might be 21 referred to as the hearing binder? 22 A. It should be part of that, yeah. 23 Q. You don't know whether it was in 24 this case? 25 A. Again, it's really difficult for me</p>
<p style="text-align: right;">75</p> <p>1 not to have things in front of me, so I 2 don't. 3 Q. Okay. All right, let's mark as 4 Exhibit 8, 13878. I show you what's marked 5 as Exhibit 8. Do you recognize this 6 document? 7 A. Can I read it? 8 Q. Of course. 9 A. Can you scroll, Ali? Can you 10 continue to scroll, please? Can you scroll 11 again, I'm sorry. Okay, thank you. 12 Q. What is this document? 13 A. I believe that this was another 14 document in preparation for the hearing. 15 Q. Were you involved in the 16 preparation? 17 A. I was. 18 Q. What was your role? 19 A. Can you scroll back up, Ali, to the 20 first page? I was likely a lead author for 21 this. I don't remember whether or not 22 Karin and I worked on this together or if 23 it was just me, but I think I was probably 24 lead writer for this. 25 Q. Was this shared with the panelists?</p>	<p style="text-align: right;">76</p> <p>1 A. I do not believe that this was part 2 of what we shared as evidence. 3 Q. You don't know for certain then? 4 A. You mean this document or the 5 information contained in the document? 6 Q. Let's start with the document. 7 A. I don't -- I don't believe that we 8 shared this document in this form as part 9 of the hearing. 10 Q. Did you share it in another form? 11 A. I think we may have referenced all 12 of these pieces at some point in the 13 hearing. 14 Q. So that at the top of Page 1 in 15 Exhibit 8 is a timeline. Was that 16 information conveyed to the panelists 17 during the hearing? 18 A. We used a document Opening 19 Statement and a document Closing Statement. 20 So it was not -- if it wasn't, if these 21 elements weren't referenced in that opening 22 or closing statement, I don't -- I can't 23 say for sure which pieces of this may have 24 come up. 25 Q. If there's a written opening and</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 closing statement, that would have been 2 read to, read and -- read to the panelists? 3 A. Correct. 4 Q. Would it have been given to them in 5 writing as well? 6 A. I'm not confident about that. 7 Q. Okay, but it was definitely read to 8 them? 9 A. Yes. 10 Q. And would it have been read 11 verbatim? 12 A. Yeah, likely. 13 Q. Give or take a word. So I just 14 want to set down some, some timeline 15 markers here, and we'll come back and 16 discuss these. So the fourth bullet on the 17 first page there, February 4, while board 18 members were still in deliberations, SJP 19 sent an email. Do you see that? 20 A. I do. 21 Q. Okay. And that, that email is the 22 Exhibit 2 that we talked about, the Open 23 Letter? 24 A. Correct. 25 Q. And then on the next bullet under</p>	<p style="text-align: right;">78</p> <p>1 February 5, it says a board member sent an 2 email to Moderator Landy outlining 3 concerns. Do you see that? 4 A. I do. 5 Q. And that board member was Scott 6 Carlton? 7 A. Correct. 8 Q. Is he the only board member who 9 emailed you or anybody else at the 10 University about the proceedings? 11 A. That's my understanding. 12 Q. Are you aware of any other 13 complaints that were made about, made in 14 writing about the effect of the letter, 15 Open Letter? 16 A. I am not aware of any. 17 Q. On the February 6 bullet point 18 there, you sent what I'll just call a stop- 19 work order to the panel members; is that 20 right? 21 A. Correct. 22 Q. Then on February 10, next bullet 23 point down, you actually met with the three 24 panel members? 25 A. Met may be an overstatement. I had</p>
<p style="text-align: right;">79</p> <p>1 phone conversations with the three of them 2 separately. 3 Q. So each of those calls was 4 separate? 5 A. Correct. 6 Q. And did you memorialize the results 7 of those conversations? 8 A. Can you -- can you use a different 9 word? Can you be a little more specific? 10 I'm sorry. 11 Q. Are there notes of those 12 conversations? 13 A. I did take notes for those, of 14 those conversations. 15 Q. Was anybody else on those calls 16 besides you and the panel member? 17 A. No. 18 Q. And all three took place on 19 February 10? 20 A. Correct. 21 Q. And then the next bullet says 22 February 18, Dean Nabors notified SJP that 23 their actions had compromised the 24 integrity, do you see that? 25 A. Uh-huh.</p>	<p style="text-align: right;">80</p> <p>1 Q. Okay. Is that February 18 supposed 2 to be March 18? 3 A. Oh, it probably is. 4 Q. So there's a gap between February 5 10 and March 18 again; right? Nothing 6 important, according to you, happened 7 between February 10 and March 18? 8 MR. BILUS: Object to the form. 9 Q. Let me say, let me change the 10 wording. Anything significant in this case 11 happen between February 10 and March 18? 12 MR. BILUS: Object to the form. 13 A. I stated before that there were 14 conversations about proper next steps. 15 Q. Just to clarify, so you don't 16 believe that this document marked as 17 Exhibit 8 was actually given to the May 23 18 panel members? 19 A. I -- I have to look to be sure. I 20 don't believe that we used this as part of 21 the hearing. Or I think that this was a 22 preparatory document. 23 Q. And you relied on this during the 24 hearing? 25 A. No.</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 Q. You didn't refer to this during the</p> <p>2 hearing?</p> <p>3 A. This document? No. This</p> <p>4 information broadly, you know, sure. There</p> <p>5 was another document that we -- that we</p> <p>6 used for the hearing.</p> <p>7 Q. I'm sorry, I'm confused about what</p> <p>8 -- so what, what role did this serve you?</p> <p>9 A. This was to help me organize my</p> <p>10 thoughts, to help me sort of understand and</p> <p>11 organize the sort of sequence of events,</p> <p>12 yeah.</p> <p>13 Q. Okay, let's go to, let's mark as</p> <p>14 Exhibit 9 Bates 13887.</p> <p>15 MR. WALCZAK: Sandy, I think</p> <p>16 this is the hearing binder. It's the 138-</p> <p>17 page document you produced last night.</p> <p>18 MR. BILUS: Okay.</p> <p>19 Q. (BY MR. WALCZAK) Go to the second</p> <p>20 page, Ali.</p> <p>21 Do you recognize this document, Mr.</p> <p>22 Nabors?</p> <p>23 Let's go to the next page, Ali.</p> <p>24 A. I'm sorry, do I recognize this</p> <p>25 document? Yes.</p>	<p style="text-align: right;">82</p> <p>1 Q. What is it?</p> <p>2 A. This looks like what would have</p> <p>3 been made available to everyone as part of</p> <p>4 the hearing.</p> <p>5 Q. When you say everyone, who do you</p> <p>6 mean?</p> <p>7 A. Panelists, witnesses, members of</p> <p>8 the SJP, representatives of SJP.</p> <p>9 Q. So I'm going to represent to you</p> <p>10 that the -- I'm going to go through these</p> <p>11 slowly. What I want you to look at and</p> <p>12 tell me if this looks right, the first 16</p> <p>13 pages relate to the December 2024 library</p> <p>14 incident?</p> <p>15 A. Okay.</p> <p>16 MR. BILUS: Do you want to</p> <p>17 reference the Bates number? I think that</p> <p>18 might help.</p> <p>19 Q. It's 13889 to 13904. And I'll</p> <p>20 represent to you that it looks to be all</p> <p>21 about the library. I guess my question to</p> <p>22 you that you should be able to answer</p> <p>23 assuming that what I just told you is true,</p> <p>24 do you know whether any changes to this</p> <p>25 presentation were made between the first</p>
<p style="text-align: right;">83</p> <p>1 hearing on February 4 and the second</p> <p>2 hearing on May 23? In other words, did you</p> <p>3 or anybody else you know of make changes to</p> <p>4 the presentation about the library</p> <p>5 violation?</p> <p>6 A. Yes. Not me. There was, but, yes,</p> <p>7 there was a change.</p> <p>8 Q. Were you involved in that?</p> <p>9 A. I was not involved in composing it,</p> <p>10 but I was involved in discussions about</p> <p>11 how, what sort of changes we might make.</p> <p>12 Q. And what kind of changes did you</p> <p>13 discuss?</p> <p>14 A. Being --</p> <p>15 Q. I'm sorry, what kind of changes did</p> <p>16 you make?</p> <p>17 A. This timeline is more detailed than</p> <p>18 what I believe was presented at the first</p> <p>19 hearing.</p> <p>20 Q. Detailed in what way?</p> <p>21 A. To include screenshots, social</p> <p>22 media activity.</p> <p>23 Q. Okay. Let's go to the next page,</p> <p>24 Ali. I believe Page 17 of Exhibit 9 is</p> <p>25 where the presentation starts about the</p>	<p style="text-align: right;">84</p> <p>1 Open Letter. Does that look right?</p> <p>2 A. It does.</p> <p>3 Q. And how if at all was this document</p> <p>4 used during the hearing?</p> <p>5 A. I believe we walked through</p> <p>6 portions of this timeline with the panel.</p> <p>7 Q. All right. Sticking just with the</p> <p>8 interference with the ongoing conduct</p> <p>9 process, this that starts on Page 17, did</p> <p>10 you walk the panel through, through these</p> <p>11 pages?</p> <p>12 A. Page 17?</p> <p>13 Q. Yeah, let's start, yeah, let's</p> <p>14 start with Page 17. That would be easiest.</p> <p>15 A. I -- I believe we did.</p> <p>16 Q. Ali, can you enlarge that a little</p> <p>17 bit? My eyes aren't what they used to be.</p> <p>18 So in that last bullet under February 4,</p> <p>19 it says, "That evening, while the hearing</p> <p>20 board was still deliberating, SJP</p> <p>21 improperly communicated with and interfered</p> <p>22 with the deliberations of the board via an</p> <p>23 email attaching an Open Letter asserting</p> <p>24 various new allegations and urging the</p> <p>25 board to dismiss the conduct charges</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 against SJP." Is that correct? Did I read 2 that correctly? 3 A. Yes. 4 Q. When you say -- did you write that? 5 A. I don't recall. I'm sure I was at 6 least a co-author. 7 Q. You approved of this language? 8 A. Yes. 9 Q. Okay, when you say improperly 10 communicated, what was improper about it? 11 A. That the communication was an 12 attempt to, to not only to continue to have 13 sort of hearing, sort of points and 14 processes outside of the hearing process, 15 but to influence the deliberations or the 16 decision of the board. 17 Q. Is asking the panel to dismiss the 18 charges new information? 19 A. No. 20 Q. And that was the whole purpose of 21 or that's what I think the students hoped 22 would happen at the hearing; correct? 23 MR. BILUS: Objection to the 24 form. 25 A. I'm sorry, what do you want me to</p>	<p style="text-align: right;">86</p> <p>1 respond to? 2 Q. Would you agree with me that the 3 students' argument at the first hearing was 4 to dismiss the charges against them; 5 correct? 6 A. I wasn't at the first hearing. 7 Q. But you're familiar with it? 8 A. Sure. Again, I would say in each 9 of the hearings, what we ask is for 10 students to respond to the allegations by 11 bringing forward statements and 12 information. 13 Q. SJP's goal would have been to have 14 the panel dismiss the charges; correct? 15 A. I'm -- I mean, I don't know how you 16 want me to respond to that, sir. 17 Q. It would not be a surprise to the 18 panel members that SJP wanted them to 19 dismiss the charges; that's not new 20 information; correct? 21 A. That's likely not new information. 22 Q. When you say asserting various new 23 allegations, what are you referring to? 24 Would it help to look at the letter? 25 A. Sure.</p>
<p style="text-align: right;">87</p> <p>1 Q. Ali, can you put up, I think it's 2 Exhibit 2. 3 Is that large enough for you to see, Mr. 4 Nabors? 5 A. It is. 6 Q. You must be younger than me. 7 Definitely better eyes. 8 A. And a bigger screen. 9 Q. So again I'm asking, what are the 10 new allegations here? 11 A. Can you scroll for me, Ali, please? 12 Okay, can you go back to the first page up 13 here? 14 I can't say with any confidence that 15 there's actually any new information 16 presented here. 17 Q. Did you say you cannot say with 18 confidence? 19 A. I cannot. 20 Q. So all of this information may just 21 be a repeat of what was presented at the 22 hearing; is that right? 23 A. Again, I wasn't there. 24 Q. But you are a co-author of making 25 this allegation that these were new</p>	<p style="text-align: right;">88</p> <p>1 allegations in the letter? 2 A. Correct. 3 Q. But now as you look at the letter, 4 you can't identify information that you 5 know to have been new? 6 A. Correct. 7 Q. Okay, let's go back to Exhibit 9. 8 Sorry, Ali. You probably didn't get this 9 training in law school, but you are doing a 10 very good job I will say. Let's go to the 11 next, let's go to Page 18. We were just 12 looking at 17. Can you go to, I'm sorry, 13 go to Page 18. Yeah. Right, so we could 14 have looked at the letter here. My bad, 15 okay. Can you scroll down to the bottom of 16 the page? 17 So the first line there reads, "Attempting 18 to influence anyone involved in a conduct 19 proceeding outside of the context of the 20 hearing - particularly the board members - 21 fundamentally undermines the integrity of 22 the process." Did I read that correctly? 23 A. You did. 24 Q. I want to understand what 25 attempting to influence anyone involved in</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 a conduct proceeding outside the context of</p> <p>2 a hearing entails. So in this case we had</p> <p>3 an Open Letter that was sent to about 20</p> <p>4 administrators; correct?</p> <p>5 A. Yes.</p> <p>6 Q. And included in that group of</p> <p>7 administrators was the three hearing</p> <p>8 officers; correct?</p> <p>9 A. Correct.</p> <p>10 Q. If -- was the problem or was the</p> <p>11 violation here because those hearing</p> <p>12 officers were included on that email?</p> <p>13 A. Yes.</p> <p>14 Q. So if they had sent that letter to</p> <p>15 the administrators not including the</p> <p>16 hearing officers, that would not have</p> <p>17 constituted a violation?</p> <p>18 A. Correct.</p> <p>19 Q. What if they posted the letter on</p> <p>20 social media in addition to sending it to</p> <p>21 the administrators, would that have been a</p> <p>22 violation?</p> <p>23 A. So again, I just want to be clear</p> <p>24 that my role in this was to bring alleged</p> <p>25 violations to the panel, and it's their</p>	<p style="text-align: right;">90</p> <p>1 role to make a decision about whether or</p> <p>2 not those policies were violated. So can</p> <p>3 you give me the question again with that</p> <p>4 context in mind?</p> <p>5 Q. Yeah, so let me just back up. So</p> <p>6 may I assume when you decide whether to</p> <p>7 bring charges, you apply, my term,</p> <p>8 something like a probable cause standard,</p> <p>9 that you believe there may be a violation;</p> <p>10 is that fair?</p> <p>11 A. That's fair.</p> <p>12 Q. So in bringing these, I'm asking</p> <p>13 you, trying to understand what attempting</p> <p>14 to influence means. If the students, let's</p> <p>15 say their intent was to influence the</p> <p>16 process, they sent the exact same letter to</p> <p>17 the administrators but not including the</p> <p>18 hearing officers. Would that have</p> <p>19 triggered charges?</p> <p>20 A. I would not have individually made</p> <p>21 the argument that that should result in</p> <p>22 charges, no.</p> <p>23 Q. Let's say that that letter was then</p> <p>24 also published on social media widely,</p> <p>25 reshared by allied groups, and duplicated</p>
<p style="text-align: right;">91</p> <p>1 in the Pitt News, so it's widely available.</p> <p>2 Would that have triggered charges?</p> <p>3 MR. BILUS: Object to the form.</p> <p>4 A. The reason that this communication</p> <p>5 triggered this alleged violation is because</p> <p>6 it was communicated directly to the board</p> <p>7 members.</p> <p>8 Q. If the, in the hypothetical I just</p> <p>9 used involving letter to many other</p> <p>10 administrators, social media distribution</p> <p>11 and republication in the Pitt News, and it</p> <p>12 is entirely likely that the hearing</p> <p>13 officers or the panel members would have</p> <p>14 seen that, that still, that wouldn't be a</p> <p>15 violation?</p> <p>16 MR. BILUS: Objection to the</p> <p>17 form.</p> <p>18 Q. That would not have prompted you to</p> <p>19 file charges? Sorry.</p> <p>20 A. It would not have.</p> <p>21 Q. Even though the very same content</p> <p>22 would have reached or likely reached the</p> <p>23 panel members?</p> <p>24 MR. BILUS: Object to the form.</p> <p>25 A. In this hypothetical situation?</p>	<p style="text-align: right;">92</p> <p>1 Q. Yes.</p> <p>2 A. I would -- I would not have</p> <p>3 advocated that we pursue charges under the</p> <p>4 hypothetical that you're describing.</p> <p>5 Q. So that the sole problem here was</p> <p>6 the fact that the panel hearing members</p> <p>7 were directed or the panel members received</p> <p>8 a copy of the letter directly from the</p> <p>9 students?</p> <p>10 MR. BILUS: Object to the form.</p> <p>11 A. The problem was that the students</p> <p>12 emailed the panelists directly.</p> <p>13 Q. So if the exact same letter made</p> <p>14 its way to the panelists while they were</p> <p>15 deliberating through some other means, that</p> <p>16 would not have been a violation? You, I'm</p> <p>17 sorry, you would not have pressed charges</p> <p>18 against SJP?</p> <p>19 A. Correct.</p> <p>20 Q. So the fact that they sent it to,</p> <p>21 that SJP sent it directly to the panel</p> <p>22 members, in your mind is that a -- is that</p> <p>23 by itself a violation regardless of the</p> <p>24 actual impact on the panel members?</p> <p>25 A. I believe that the attempt at</p>

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 influence is a violation.</p> <p>2 Q. The attempt at influence by</p> <p>3 communicating directly with the panel</p> <p>4 members; correct?</p> <p>5 A. Correct.</p> <p>6 Q. But if they attempted to influence</p> <p>7 by indirectly getting it to the panel</p> <p>8 members, that would not be a violation?</p> <p>9 A. It would be if I could prove that</p> <p>10 they indirectly attempted to get it to the</p> <p>11 panelists.</p> <p>12 Q. You're not aware of any direction</p> <p>13 to panelists to stay away from social media</p> <p>14 or regular media or outside communications</p> <p>15 during their deliberations; in other words,</p> <p>16 they're not sequestered like a jury could</p> <p>17 be?</p> <p>18 A. The panelists are not sequestered.</p> <p>19 Q. So would it still be a violation if</p> <p>20 the students sent it directly to the panel</p> <p>21 members but the panel members told you that</p> <p>22 it did not impact their deliberations;</p> <p>23 would that still be a violation?</p> <p>24 A. It's the attempt that's the</p> <p>25 concern, sir.</p>	<p style="text-align: right;">94</p> <p>1 Q. So that the effect is irrelevant?</p> <p>2 A. Not irrelevant, but what's --</p> <p>3 what's relevant for the charges is the</p> <p>4 attempt.</p> <p>5 Q. And even if they did this, so let's</p> <p>6 say that they -- let's go back to my</p> <p>7 hypothetical, no direct communication. If</p> <p>8 you had evidence that their objective was</p> <p>9 to have the panel dismiss the charges, then</p> <p>10 you believe that would violate Pitt's Code</p> <p>11 of Conduct as well?</p> <p>12 A. You have to -- I'm sorry, can you</p> <p>13 give me a little more detail there? Their</p> <p>14 objective in doing what?</p> <p>15 Q. In exact same letter, did</p> <p>16 everything that they did in this case</p> <p>17 except they didn't include the panel</p> <p>18 members. But they went and said, yeah, we</p> <p>19 hope that everybody looks at this letter</p> <p>20 and that it results in a dismissal of our</p> <p>21 charges. Violation or no violation?</p> <p>22 A. I would not have advocated for</p> <p>23 charges in that circumstance.</p> <p>24 Q. Back on the bottom of Page 18, that</p> <p>25 second sentence under that bullet point,</p>
<p style="text-align: right;">95</p> <p>1 "For this reason, the Code of Conduct</p> <p>2 specifically forbids any action that could</p> <p>3 potentially intimidate, coerce or influence</p> <p>4 a witness or Hearing Officer." Is that</p> <p>5 correct?</p> <p>6 A. You read it correctly.</p> <p>7 Q. Yeah. So that's where you say that</p> <p>8 you don't have to have actual intimidation,</p> <p>9 coercion or influence; it's just if there's</p> <p>10 a potential for it; is that correct?</p> <p>11 A. Yeah, I, you know, I think that</p> <p>12 we're playing a little bit of semantics</p> <p>13 here between, you know, attempt and</p> <p>14 potential, but, yeah.</p> <p>15 Q. Let's go to the next page, Ali,</p> <p>16 Page 19. So that that top bullet point,</p> <p>17 the first sentence, the allegations in</p> <p>18 SJP's Open Letter were generally untrue or</p> <p>19 misleading and inflammatory.</p> <p>20 Could you go back to the previous page,</p> <p>21 Ali, to the Open Letter. And I'd like you</p> <p>22 to identify what was</p> <p>23 untrue, misleading, or inflammatory in that</p> <p>24 letter?</p> <p>25 A. It is untrue that the</p>	<p style="text-align: right;">96</p> <p>1 administration defunded their events.</p> <p>2 Q. All right, where are you reading?</p> <p>3 A. Ali's got it up. I think it's</p> <p>4 misleading to say that any of these actions</p> <p>5 disproportionately penalized students of</p> <p>6 color.</p> <p>7 Q. Is it false or is it untrue?</p> <p>8 A. So not all of the previous</p> <p>9 statements are true, so I think that the</p> <p>10 subsequent statement about the effect also</p> <p>11 has to be untrue. I think that, and then</p> <p>12 in an earlier paragraph, consistent</p> <p>13 harassment with SJP and its members feels</p> <p>14 misleading at best.</p> <p>15 Can you scroll for me, Ali? Can you</p> <p>16 continue to scroll?</p> <p>17 Oh, there's a -- there's a part that isn't</p> <p>18 included in what you have here that, or</p> <p>19 what's shown here, that lists the entire</p> <p>20 group of, you know, co-signed or</p> <p>21 undersigned humans. Thanks. Yeah, she's on</p> <p>22 it. Yeah, that's the other part that is</p> <p>23 misleading or untrue.</p> <p>24 Q. Were you aware on May 23 about</p> <p>25 SJP's explanation of how the Law School was</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 listed as a signatory?</p> <p>2 A. Am I now aware?</p> <p>3 Q. Were you aware on May 23?</p> <p>4 A. Is that the day of the hearing?</p> <p>5 Q. Yes.</p> <p>6 A. I heard during the hearing SJP</p> <p>7 explain how that happened, yes.</p> <p>8 Q. And is it true that the panel</p> <p>9 rejected the false statement allegation?</p> <p>10 A. I would need to look at their</p> <p>11 outcome again, but, yeah.</p> <p>12 Q. We'll look at that just</p> <p>13 momentarily. You testified earlier that</p> <p>14 you interviewed each of the three members</p> <p>15 of the February 4 panel. Did you present</p> <p>16 any information about what they told you to</p> <p>17 the May 23 hearing panel?</p> <p>18 A. Ali, would you be willing to scroll</p> <p>19 down this document a little bit? Can you</p> <p>20 continue to scroll, please? You can go a</p> <p>21 little bit more. More.</p> <p>22 I do not believe that we shared specific</p> <p>23 information from those conversations with</p> <p>24 the board.</p> <p>25 Q. Let's go to the top of Page 20</p>	<p style="text-align: right;">98</p> <p>1 there. So, I'm sorry, go to the bottom of</p> <p>2 Page 19, Ali.</p> <p>3 Under February 6 it says that at that</p> <p>4 point you notified the board members to</p> <p>5 pause their deliberations; is that right?</p> <p>6 A. Correct.</p> <p>7 Q. But you didn't talk to the panel</p> <p>8 hearing members until February 10; is that</p> <p>9 right?</p> <p>10 A. Correct.</p> <p>11 Q. So you made this determination to</p> <p>12 stop the proceedings before you had their</p> <p>13 input or views on the effect of the letter?</p> <p>14 A. Correct.</p> <p>15 Q. If you would scroll down a little</p> <p>16 further, Ali.</p> <p>17 There's, under February 8 it says, "SJP</p> <p>18 further amplified the potential effects of</p> <p>19 the Open Letter by posting a version of it</p> <p>20 on their IG," I assume is Instagram; is</p> <p>21 that right?</p> <p>22 A. Correct.</p> <p>23 Q. So this is then just putting up</p> <p>24 their, the letter they sent on February 4</p> <p>25 on social media; correct?</p>
<p style="text-align: right;">99</p> <p>1 A. Correct.</p> <p>2 Q. What do you mean when you say</p> <p>3 amplified the potential effects of the Open</p> <p>4 Letter?</p> <p>5 A. I don't -- I don't have a -- I</p> <p>6 don't have an explanation for that.</p> <p>7 Q. This is what -- this is the</p> <p>8 argument you and Ms. Asher, Dr. Asher made</p> <p>9 to the May 23 hearing panel; right?</p> <p>10 A. Yes.</p> <p>11 Q. And here you're identifying a</p> <p>12 social media post as amplifying potential</p> <p>13 effects; correct?</p> <p>14 A. That's what it says.</p> <p>15 Q. Let's mark as Exhibit 10 Bates No.</p> <p>16 14049. I show you what's been marked as</p> <p>17 Exhibit 10.</p> <p>18 MR. BILUS: Just to jump in, it</p> <p>19 looks like the file number is, at the top,</p> <p>20 says 9, on the top of the -- Ali, if you</p> <p>21 look up at the top, it says 9. UPITT. I</p> <p>22 think this was identified as 10, not 9. I</p> <p>23 just want to make sure we're not --</p> <p>24 MS. SZEMANSKI: It was</p> <p>25 identified by the Bates number that was</p>	<p style="text-align: right;">100</p> <p>1 read. This is just our internal numbering.</p> <p>2 MR. BILUS: Oh, okay.</p> <p>3 MS. SZEMANSKI: So the ones you</p> <p>4 and the court reporter will receive will be</p> <p>5 accurately numbered.</p> <p>6 MR. BILUS: Okay, great. I just</p> <p>7 didn't want it to get mixed up later.</p> <p>8 Thank you.</p> <p>9 MS. SZEMANSKI: Okay, thanks.</p> <p>10 MR. WALCZAK: I think I added an</p> <p>11 Exhibit in here.</p> <p>12 MR. BILUS: All right, I'll</p> <p>13 blame Vic.</p> <p>14 MR. WALCZAK: Welcome to my</p> <p>15 world.</p> <p>16 Q. (BY MR. WALCZAK) All right. Do</p> <p>17 you recognize this document marked as</p> <p>18 Exhibit 10, Mr. Nabors?</p> <p>19 A. No. I mean, I know the form. I</p> <p>20 don't know this exact, you know, execution</p> <p>21 of the form.</p> <p>22 Q. Do you know this to be that</p> <p>23 disposition of the May 23 hearing?</p> <p>24 A. I don't know that.</p> <p>25 Q. Were you involved in the</p>

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<p style="text-align: right;">101</p> <p>1 preparation of this form?</p> <p>2 A. No.</p> <p>3 Q. Did you have any discussions with</p> <p>4 Dr. Panzella after the hearing -- I'm</p> <p>5 sorry, I'm mixing up the documents here.</p> <p>6 From your understanding of the process,</p> <p>7 does this appear to be the disposition by</p> <p>8 the panel hearing board?</p> <p>9 A. It does.</p> <p>10 Q. Did you have any communications</p> <p>11 with the panel members between May 23 and</p> <p>12 when they issued this on May 27?</p> <p>13 A. No.</p> <p>14 Q. Do you have any reason to believe</p> <p>15 that this document may be inaccurate?</p> <p>16 A. I don't have any reason.</p> <p>17 MR. WALCZAK: Let's go to -- is</p> <p>18 there a new, I'm sorry, do we have a new</p> <p>19 Bates number on the June 18 decision,</p> <p>20 Kirsten? No, okay. Sandy, this is the</p> <p>21 June 18 letter.</p> <p>22 MR. BILUS: Yeah.</p> <p>23 MR. WALCZAK: Which I don't</p> <p>24 think you all have formally produced. We</p> <p>25 obviously got it. But let's mark this as,</p>	<p style="text-align: right;">102</p> <p>1 what are we on, 11, Exhibit 11.</p> <p>2 Q. (BY MR. WALCZAK) Do you see what's</p> <p>3 marked as Exhibit 11, Mr. Nabors?</p> <p>4 A. I do.</p> <p>5 Q. Do you recognize this document?</p> <p>6 A. I do not.</p> <p>7 Q. Have you never seen this before?</p> <p>8 A. I have not read this document.</p> <p>9 Q. Were you aware of the results of</p> <p>10 the disciplinary hearing against SJP held</p> <p>11 on May 23?</p> <p>12 A. Yes.</p> <p>13 Q. How did you learn that?</p> <p>14 A. Dr. Panzella informed me.</p> <p>15 Q. Between May 23 and June 18 did you</p> <p>16 have any discussions with Dr. Panzella</p> <p>17 about the SJP proceedings?</p> <p>18 A. No.</p> <p>19 Q. When did Dr. Panzella inform you</p> <p>20 about the decision?</p> <p>21 A. I don't recall.</p> <p>22 Q. Are you aware that Dr. Panzella</p> <p>23 changed the terms of the sanctions</p> <p>24 recommended by the hearing panel?</p> <p>25 A. I am not aware of that.</p>
<p style="text-align: right;">103</p> <p>1 Q. Let's go to Exhibit 12. This is</p> <p>2 Bates 2437. I show you what's marked as</p> <p>3 Exhibit 12. Do you recognize this</p> <p>4 document?</p> <p>5 MR. BILUS: Hang on a second.</p> <p>6 I'm seeing in this some notes that look</p> <p>7 like they're intended for counsel. I would</p> <p>8 like to direct you not to ask questions</p> <p>9 about it until we get a chance to look at</p> <p>10 it more closely. We may need to claw it</p> <p>11 back or redact portions of it.</p> <p>12 MR. WALCZAK: Are there portions</p> <p>13 we can examine now?</p> <p>14 MR. BILUS: If you give me a</p> <p>15 chance to look at it, I can -- I can do</p> <p>16 that and let you know what I think you can</p> <p>17 ask about.</p> <p>18 MR. WALCZAK: Well, I don't want</p> <p>19 to take up time because we're running short</p> <p>20 on time here, so I --</p> <p>21 MR. BILUS: Can you point me to</p> <p>22 what you wanted to ask about and I can at</p> <p>23 least look at that?</p> <p>24 MR. WALCZAK: It looks like</p> <p>25 probably the whole thing.</p>	<p style="text-align: right;">104</p> <p>1 MR. BILUS: All right.</p> <p>2 MR. WALCZAK: We can, you know,</p> <p>3 we may just have to leave the deposition</p> <p>4 open then.</p> <p>5 MR. BILUS: I mean, you've got</p> <p>6 45 minutes. Do you want to stop now and</p> <p>7 save 45 minutes of your time, or how do you</p> <p>8 want to do that?</p> <p>9 MR. WALCZAK: No, I mean, I want</p> <p>10 to move on. But let's put this to the side</p> <p>11 and then figure out what we're going to do</p> <p>12 with it.</p> <p>13 MR. BILUS: Okay.</p> <p>14 MR. WALCZAK: I don't want you</p> <p>15 taking a bunch of time. You know, this was</p> <p>16 produced. It was produced twice, I think,</p> <p>17 once with the highlighting and once without</p> <p>18 it.</p> <p>19 MR. BILUS: Well, I've got to</p> <p>20 look into it more before I know. Sorry.</p> <p>21 MR. WALCZAK: We know nothing --</p> <p>22 there's nothing about provenance of this</p> <p>23 document, so --</p> <p>24 MR. BILUS: Yeah.</p> <p>25 MR. WALCZAK: Okay. All right.</p>

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27 (Pages 105 to 108)

<p style="text-align: right;">105</p> <p>1 MS. SZEMANSKI: Vic, should it 2 remain labeled as Exhibit 12 or just 3 unlabeled? 4 MR. BILUS: Yeah, I don't think 5 it should be attached yet to the deposition 6 as an Exhibit. I would -- I mean, you can 7 identify it by Bates number, but let's, 8 since questions aren't being asked about it 9 and it may be clawed back, I would suggest 10 we not tag it as an Exhibit yet. 11 MR. WALCZAK: Okay. So we're 12 talking about Bates 2437 to 2438. 13 MR. BILUS: Yeah. 14 Q. (BY MR. WALCZAK) All right. So I 15 just, I want to go to the sequence, kind of 16 review the sequence of events around 17 February 4. So the board hearing is on 18 February 4; correct? The first panel 19 hearing for SJP is on February 4; is that 20 right? 21 A. That's my understanding. 22 Q. Okay. The Open Letter is sent that 23 evening by SJP to approximately 20 24 administrators, including the three hearing 25 officers, so that's the evening of February</p>	<p style="text-align: right;">106</p> <p>1 4; is that correct? 2 A. To my knowledge. 3 Q. When did you first see that Open 4 Letter? 5 A. I mean, we ended up sending the 6 communication the next day; right? I mean, 7 I -- the problem is that I don't recall 8 specifically. I'm sorry, I'm trying to 9 piece it together using context clues, but 10 I really don't remember. 11 Q. Do you remember having any 12 discussions with other Pitt staff or 13 administrators on the night of the 4th 14 about the letter? 15 A. No. 16 Q. Do you recall when the first 17 conversation you had with somebody else was 18 about this letter? 19 A. I do not. 20 Q. Okay, let's mark as Exhibit 12, 21 13854. Do you see the Exhibit marked as 12 22 on the screen? Do you recognize this 23 document? 24 A. This obviously wasn't sent directly 25 to me, but I recognize the language here.</p>
<p style="text-align: right;">107</p> <p>1 Q. Is this the email from a panel 2 member that you've referenced previously 3 during this deposition as coming in and 4 complaining about the Open Letter? 5 A. Yes. 6 Q. To your knowledge, are there any 7 other written communications from board 8 members complaining about the Open Letter 9 or referencing the Open Letter at all? 10 A. No. 11 Q. Are there any other written 12 communications raising concerns about the 13 Open Letter? 14 A. Not that I'm aware of. 15 Q. Do you recall when you first saw 16 this email? 17 A. I do not. 18 Q. So the day after the hearing, the 19 day after the Open Letter would be February 20 the 5th. Do you recall any discussions 21 about the Open Letter? 22 A. Any discussions about the Open 23 Letter on, like, in general? 24 Q. Any, anything related, any 25 discussions related to the Open Letter sent</p>	<p style="text-align: right;">108</p> <p>1 on the evening of February 4. 2 A. Yes. 3 Q. What discussions can you recall? 4 A. I recall having a conversation with 5 Matt asking him if he had received this 6 communication. There were some 7 conversations with our legal counsel and a 8 conversation with Dr. Panzella as we tried 9 to determine how to respond. 10 Q. What do you recall about your 11 conversation with Matt? 12 A. Very little. Only that I asked him 13 if he got this communication and if he 14 would forward it to me. 15 Q. Did you talk about the substance of 16 the communication? 17 A. Only to identify it. Like, did you 18 get this communication from Carlton; can 19 you forward it to me. 20 Q. What was your discussion with Dr. 21 Panzella about the email? 22 A. About the -- whether or not this 23 would constitute a violation or not. 24 Q. And who raised that question, you 25 or her?</p>

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28 (Pages 109 to 112)

<p style="text-align: right;">109</p> <p>1 A. I don't recall. I mean, I don't 2 recall. 3 Q. Did you think upon seeing this that 4 there may have been a problem with the Open 5 Letter? 6 A. Yes. 7 Q. What did you think the problem was? 8 A. Well, my first reaction is that it 9 was highly unusual for students to 10 communicate directly with board members 11 outside of the hearing process, so that was 12 sort of my initial flag. And then it just 13 continued to evolve into questions about, 14 was this their intention to try and 15 influence them during deliberations. It 16 just, it just caused me to question what 17 the -- what their -- what the attempt was 18 here and what the potential impact was. 19 Q. So on that, in the middle of the 20 second paragraph, Mr. Carlton says, "While 21 I personally believe it was inappropriate 22 to make veiled threats in attempt to sway 23 my decision, I did not allow it to impact 24 my role which, once again, was to evaluate 25 the evidence." Did I read that correctly?</p>	<p style="text-align: right;">110</p> <p>1 A. You did read it. 2 Q. So he's not claiming that this is 3 in any way impacting his ability to weigh 4 the merits of this, this proceeding or 5 weigh the merits of the allegations; 6 correct? 7 A. He does not -- he does not appear 8 to say that. 9 MR. BILUS: Objection to the 10 form. Sorry. 11 Q. Okay, let's mark as Exhibit 13 12 Bates 2863. I show you what's marked as 13 Exhibit 13. Do you recognize this 14 document? 15 A. I do. 16 Q. What is it? 17 A. It's an email to the board members 18 from me. 19 Q. Essentially directing them to stop 20 whatever work they were doing on the 21 decision? 22 A. Correct. 23 Q. Had you spoken to anybody by this 24 point from, any of the three panel members? 25 A. No.</p>
<p style="text-align: right;">111</p> <p>1 Q. So you hadn't spoken to Carlton on 2 the 5th or the 6th? 3 A. Correct. 4 Q. And you didn't speak to the other 5 two panel members either? 6 A. Correct. 7 Q. Did you have any knowledge of where 8 the panel was in their deliberative 9 process? 10 A. I knew that they were in 11 deliberations. 12 Q. How did you know that? 13 A. The hearing moderator, Matt Landy, 14 indicated this to me. 15 Q. Do you remember exactly what he 16 told you about where they were in the 17 process? 18 A. No. 19 Q. All right, let's mark as Exhibit 14 20 Bates 2439. Sorry, before we turn to this, 21 on the stop-work order, did you consult 22 anybody about that decision? 23 A. Yes. 24 Q. Who did you consult? 25 A. Dr. Panzella and our internal legal</p>	<p style="text-align: right;">112</p> <p>1 counsel. 2 Q. All right, let's to back to Exhibit 3 14. I show you what's marked as Exhibit 4 14. Do you recognize this? 5 A. I do. 6 Q. What is it? 7 A. This looks like my notes from my 8 conversations with the panelists. 9 Q. And these conversations occurred on 10 February the 6th? 11 A. I don't think that's the right 12 date. 13 Q. I'm sorry. February 10? 14 A. That sounds better. 15 Q. Okay. And I believe you said you 16 spoke to each of them separately? 17 A. I did. 18 Q. And how long were those 19 conversations? 20 A. Brief. Maybe about 15 minutes. 21 Q. Each? 22 A. Yes. 23 Q. And nobody else was party to those 24 calls besides you and the panel members? 25 A. That's right.</p>

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<p style="text-align: right;">113</p> <p>1 Q. Did somebody direct you to make</p> <p>2 these calls or did you take, do it on your</p> <p>3 own initiative?</p> <p>4 A. I don't think that either of those</p> <p>5 is true. I think there's a -- there's a</p> <p>6 consensus building around this next step.</p> <p>7 Q. Next step being what?</p> <p>8 A. These interviewing the panelists.</p> <p>9 Q. Consensus among whom?</p> <p>10 A. Myself, Dr. Panzella, and our legal</p> <p>11 counsel.</p> <p>12 Q. So there's consensus that you</p> <p>13 should interview the panel members?</p> <p>14 A. So I think what I can say is that</p> <p>15 after conversation with Dr. Panzella and</p> <p>16 our legal counsel, this was the action that</p> <p>17 I took.</p> <p>18 Q. And were these notes -- when did</p> <p>19 you prepare these notes?</p> <p>20 A. These notes were written as the</p> <p>21 conversations took place.</p> <p>22 Q. So they were -- the notes were</p> <p>23 taken contemporaneously with the calls?</p> <p>24 A. Yes.</p> <p>25 MR. BILUS: Vic, did you say</p>	<p style="text-align: right;">114</p> <p>1 were or weren't?</p> <p>2 MR. WALCZAK: Were.</p> <p>3 MR. BILUS: Okay.</p> <p>4 Q. (BY MR. WALCZAK) Yeah, just to be</p> <p>5 clear, so these notes were prepared</p> <p>6 contemporaneously with the conversations</p> <p>7 you had with the panel members?</p> <p>8 A. Yes.</p> <p>9 Q. And in looking at them now, are</p> <p>10 they accurate? Is there anything that you</p> <p>11 would say is inaccurate?</p> <p>12 A. No.</p> <p>13 Q. All right, so we have a document</p> <p>14 that's not marked. Let's mark it here as</p> <p>15 Exhibit 15.</p> <p>16 MS. SZEMANSKI: Sorry, Vic, is</p> <p>17 it the --</p> <p>18 MR. WALCZAK: It's the February</p> <p>19 4.</p> <p>20 MS. SZEMANSKI: November 16?</p> <p>21 MR. WALCZAK: No.</p> <p>22 MS. SZEMANSKI: No. Okay, I</p> <p>23 think I know what you're talking about.</p> <p>24 MR. WALCZAK: The recommendation</p> <p>25 form.</p>
<p style="text-align: right;">115</p> <p>1 MS. SZEMANSKI: Yeah, sorry.</p> <p>2 Q. (BY MR. WALCZAK) I show you what's</p> <p>3 marked as Exhibit 15. Do you recognize</p> <p>4 this? Ali can scroll down if you want.</p> <p>5 A. I do not recognize this document.</p> <p>6 Q. Have you ever seen it before?</p> <p>7 A. No.</p> <p>8 Q. Do you know what it is?</p> <p>9 A. I think I know what the form is,</p> <p>10 yes.</p> <p>11 Q. What is the form?</p> <p>12 A. A Conduct Board Recommendation</p> <p>13 Form.</p> <p>14 Q. Would this be from the first panel?</p> <p>15 A. So I have not seen this, sir.</p> <p>16 Q. Were you aware it existed?</p> <p>17 A. No.</p> <p>18 Q. Has nobody mentioned to you the</p> <p>19 existence of this document?</p> <p>20 A. Can you -- so I, can I read this?</p> <p>21 Because I don't --</p> <p>22 Q. Sure, yeah.</p> <p>23 A. I don't think I have seen this.</p> <p>24 Can you continue to scroll? Can you</p> <p>25 continue to scroll? Can you continue to</p>	<p style="text-align: right;">116</p> <p>1 scroll, please?</p> <p>2 No, no.</p> <p>3 Q. Go down to the last page and let</p> <p>4 Mr. Nabors take a look at that.</p> <p>5 A. I have not seen this document.</p> <p>6 Q. Okay. Let's mark as Exhibit 16</p> <p>7 Bates 14034. I show you what's marked as</p> <p>8 Exhibit 16. Do you recognize this?</p> <p>9 A. I do.</p> <p>10 Q. What is it?</p> <p>11 A. It's an email from one of the</p> <p>12 panelists to me.</p> <p>13 Q. So this is dated February 24, so</p> <p>14 this is two weeks after you spoke to the</p> <p>15 panel members; is that right?</p> <p>16 A. Correct.</p> <p>17 Q. You spoke to them on February 10.</p> <p>18 This is February the 24th. Did you have</p> <p>19 any communication with the panel members</p> <p>20 between February 10 and February 24?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. And did you respond to this email?</p> <p>23 A. I don't remember.</p> <p>24 Q. Is it possible you didn't respond</p> <p>25 to it?</p>

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<p style="text-align: right;">117</p> <p>1 A. I -- I don't -- I don't remember.</p> <p>2 Q. Do you know if any of your --</p> <p>3 you're one of, it looks like you and</p> <p>4 Matthew Landy and the three panel members</p> <p>5 are party to this. Do you know whether Mr.</p> <p>6 Landy responded to this?</p> <p>7 A. I am not -- I'm not aware.</p> <p>8 Q. Have you had any communication with</p> <p>9 the first panel hearing members since</p> <p>10 February the 10th?</p> <p>11 A. Have I had any communication with</p> <p>12 panel members since February 10?</p> <p>13 Q. Yes.</p> <p>14 A. I think there was a final</p> <p>15 communication where we told them that we</p> <p>16 were vacating the hearing.</p> <p>17 Q. That went to them?</p> <p>18 A. Oh, actually I don't know that. No</p> <p>19 I don't know. Maybe not.</p> <p>20 Q. You don't recall corresponding with</p> <p>21 panel members about the status of the</p> <p>22 hearing that they sat on?</p> <p>23 MR. BILUS: Object to the form.</p> <p>24 A. I don't recall any communication.</p> <p>25 Q. Okay, I'm skipping the next</p>	<p style="text-align: right;">118</p> <p>1 document, 570, and going to 2370. Let's</p> <p>2 mark that as Exhibit 17. And is 2365</p> <p>3 attached to that?</p> <p>4 MS. SZEMANSKI: (Shaking head).</p> <p>5 Q. It's not, okay. I show you what's</p> <p>6 marked as Exhibit 17. Do you recognize</p> <p>7 this?</p> <p>8 A. I mean, clearly this was sent to</p> <p>9 me, but I don't -- I don't remember this in</p> <p>10 context.</p> <p>11 Q. Okay. What's CCAT?</p> <p>12 A. That is an administrative meeting.</p> <p>13 I forget what it stands for. But it's</p> <p>14 essentially an administrative meeting where</p> <p>15 people get around the table and talk about</p> <p>16 any sort of high-profile sort of</p> <p>17 circumstances, incidents that may be</p> <p>18 occurring, to sort of facilitate</p> <p>19 communication between, between areas.</p> <p>20 Q. And is there a regular cohort of</p> <p>21 people that participate in these meetings?</p> <p>22 A. Yes.</p> <p>23 Q. Who are the people that are in</p> <p>24 these meetings?</p> <p>25 A. Oh, geez. I -- I don't want to --</p>
<p style="text-align: right;">119</p> <p>1 I don't want to misspeak or miss anyone.</p> <p>2 There are probably about ten folks from</p> <p>3 around various parts of the University.</p> <p>4 Some of them I'm still not super familiar</p> <p>5 with because I only have interactions with</p> <p>6 them in this meeting, so I don't know that</p> <p>7 I could accurately name all the folks.</p> <p>8 Q. How about name the folks that you</p> <p>9 know that are part of this group?</p> <p>10 A. There are folks from the</p> <p>11 communications team. There are folks from</p> <p>12 Student Affairs, from the Provost's Office,</p> <p>13 folks from the like safety, security, risk</p> <p>14 management area. Those are the big ones</p> <p>15 that I remember.</p> <p>16 Q. Any of the people that we've been</p> <p>17 talking about in the last three and a half</p> <p>18 hours on this, in this CCAT group?</p> <p>19 A. Dr. Panzella.</p> <p>20 Q. Is the Chancellor part of this</p> <p>21 group?</p> <p>22 A. No.</p> <p>23 Q. Who's the highest ranking official</p> <p>24 on this group?</p> <p>25 A. I am not clear about that.</p>	<p style="text-align: right;">120</p> <p>1 Q. The first agenda item here on this</p> <p>2 February 12 meeting is SJP Conduct Update.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. And then two bullets below that,</p> <p>6 Update on pause? Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. And then next to that it has NO!!</p> <p>9 with two exclamation points and then</p> <p>10 Please. Do you see that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And is it your understanding that</p> <p>13 Dr. Panzella wrote that?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall that being</p> <p>16 discussed?</p> <p>17 A. This was still very early in my</p> <p>18 tenure, and this might have actually been</p> <p>19 the first CCAT meeting that I had gone to,</p> <p>20 which is why this doesn't stick in my</p> <p>21 memory. So I don't believe that I had any</p> <p>22 conversation around this.</p> <p>23 Q. Do you recall what the conversation</p> <p>24 was?</p> <p>25 A. I do not.</p>

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31 (Pages 121 to 124)

<p style="text-align: right;">121</p> <p>1 Q. Okay. Do you know why Dr. Panzella</p> <p>2 did not want to provide an update on the</p> <p>3 pause?</p> <p>4 A. I do not.</p> <p>5 Q. All right, I'm skipping the next</p> <p>6 Exhibit, Ali, and going to 65.1. Exhibit</p> <p>7 18, this is Bates 65.1.</p> <p>8 MR. WALCZAK: Must be ours,</p> <p>9 Sandy.</p> <p>10 MR. BILUS: Okay. I see P80 as</p> <p>11 well on the --</p> <p>12 MR. WALCZAK: Oh, maybe. I have</p> <p>13 65.1 on mine.</p> <p>14 MS. SZEMANSKI: It was produced</p> <p>15 as native, and 65.1 is the internal control</p> <p>16 number.</p> <p>17 MR. WALCZAK: I'm glad I have</p> <p>18 help. All right, can you scroll down to the</p> <p>19 next page, please?</p> <p>20 Q. (BY MR. WALCZAK) Do you recognize</p> <p>21 this document?</p> <p>22 A. No. No.</p> <p>23 Q. Do you know what this document is</p> <p>24 used for?</p> <p>25 A. I mean, if you're going to make me</p>	<p style="text-align: right;">122</p> <p>1 try and draw context clues, I have not seen</p> <p>2 this email and I have not seen this form</p> <p>3 used.</p> <p>4 Q. Do you recall whether some version</p> <p>5 of this was used in the May 23 hearing?</p> <p>6 A. There, yes, there was probably some</p> <p>7 version of this used for the May 23</p> <p>8 hearing.</p> <p>9 Q. Do you know if it would have been</p> <p>10 the same?</p> <p>11 A. I don't know.</p> <p>12 Q. Who is Shatea Player?</p> <p>13 A. She's the administrative assistant</p> <p>14 for the Office of Student Conduct.</p> <p>15 Q. And who's the head of that office?</p> <p>16 A. Matt Landy.</p> <p>17 Q. He works for you?</p> <p>18 A. Correct.</p> <p>19 Q. Is she the person who posts</p> <p>20 information to the portal that students can</p> <p>21 access? That students, I'm sorry, that</p> <p>22 students who are receiving hearings are</p> <p>23 able to access?</p> <p>24 A. I believe that that's her role when</p> <p>25 Matt's the moderator, yes.</p>
<p style="text-align: right;">123</p> <p>1 Q. Is that -- so she doesn't do that</p> <p>2 for all hearings, if you know?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay, let's mark as Exhibit 19,</p> <p>5 1788. Do you recognize what's marked as</p> <p>6 Exhibit 19?</p> <p>7 A. Can you scroll, Ali?</p> <p>8 I have not seen this document.</p> <p>9 Q. In looking at it, do you have an</p> <p>10 understanding of what it is?</p> <p>11 A. I think I do.</p> <p>12 Q. What do you think it is?</p> <p>13 A. Looks like this may have been the</p> <p>14 hearing script for the first hearing.</p> <p>15 Q. This would function as a guide for</p> <p>16 whoever was presenting the case for the</p> <p>17 University at the February 4 hearing?</p> <p>18 A. More like a guide for the</p> <p>19 moderator.</p> <p>20 Q. And that was Matt Landy for the</p> <p>21 first hearing?</p> <p>22 A. Correct.</p> <p>23 Q. Is it your understanding that</p> <p>24 what's contained in these scripts is</p> <p>25 generally presented largely verbatim?</p>	<p style="text-align: right;">124</p> <p>1 A. I don't know that I can answer</p> <p>2 that.</p> <p>3 Q. All right. Exhibit 20, 13412.</p> <p>4 MR. WALCZAK: Sandy, we should</p> <p>5 probably redact everything below the top</p> <p>6 half of this page because it relates to,</p> <p>7 and I don't think it identifies -- well, it</p> <p>8 does identify people. We should redact</p> <p>9 everything underneath this because it's an</p> <p>10 unrelated proceeding. Just, maybe we can</p> <p>11 redact that before we send it to Mary.</p> <p>12 MR. BILUS: So everything from</p> <p>13 that second email to the end?</p> <p>14 MR. WALCZAK: Yeah, from</p> <p>15 Landy's, well, actually maybe we should do</p> <p>16 below the Landy -- no, actually below</p> <p>17 Marlin's email on the second page, all the,</p> <p>18 starting from Anna Donovan, all that stuff.</p> <p>19 MR. BILUS: May I see the second</p> <p>20 page? Yeah, so we did redact the student</p> <p>21 names there, but I'm fine with redacting</p> <p>22 the remainder because it's unrelated.</p> <p>23 MR. WALCZAK: Yeah, I don't know</p> <p>24 who's going to be looking at this. I don't</p> <p>25 want to get anybody else in trouble, so --</p>

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<p style="text-align: right;">125</p> <p>1 MR. BILUS: I would be happy to</p> <p>2 redact that. Or if you guys want to do</p> <p>3 that before you provide it to the court</p> <p>4 reporter as an Exhibit, I think that --</p> <p>5 MR. WALCZAK: Yeah, we can do</p> <p>6 that.</p> <p>7 Q. (BY MR. WALCZAK) All right, Mr.</p> <p>8 Nabors, do you recognize what's marked as</p> <p>9 Exhibit 20?</p> <p>10 A. I need to read it a little bit. Is</p> <p>11 that okay?</p> <p>12 Q. Yes, please, yeah.</p> <p>13 A. Ali, can you start from the bottom</p> <p>14 and just sort of slowly scroll up, please?</p> <p>15 Okay. Can you continue to scroll? Okay,</p> <p>16 can you continue to scroll? Okay, more.</p> <p>17 Okay.</p> <p>18 Q. Just focusing on your 3/6 email to</p> <p>19 Landy, you've got listed the fourth line</p> <p>20 down, "No contact order between board</p> <p>21 members." What does that -- what did you</p> <p>22 mean by that?</p> <p>23 A. I don't recall.</p> <p>24 Q. Who would a board member be; who's</p> <p>25 that referring to?</p>	<p style="text-align: right;">126</p> <p>1 A. Board members are typically the</p> <p>2 panelists.</p> <p>3 Q. Okay. So the next line is,</p> <p>4 "Additional language that makes clear that</p> <p>5 individual contact with board members will</p> <p>6 result in charges." What are you referring</p> <p>7 to there?</p> <p>8 A. I believe that this was all things</p> <p>9 in preparation for the new hearing. So</p> <p>10 this would have been referencing</p> <p>11 instructions to the -- to students coming</p> <p>12 to the -- to the second hearing.</p> <p>13 MR. BILUS: Vic, can I just jump</p> <p>14 in. This looks like this all relates to the</p> <p>15 stuff that we've already agreed to redact</p> <p>16 as being unrelated down below. We -- it</p> <p>17 doesn't seem like this relates to this case</p> <p>18 at all.</p> <p>19 MR. WALCZAK: Well, thanks,</p> <p>20 Sandy, that's not what your witness just</p> <p>21 testified to, so why don't you let me</p> <p>22 continue with my questions.</p> <p>23 MR. BILUS: All right.</p> <p>24 Q. (BY MR. WALCZAK) So after that</p> <p>25 speaking objection, so you think this</p>
<p style="text-align: right;">127</p> <p>1 relates to the upcoming SJP proceeding</p> <p>2 which was ultimately held on May 23?</p> <p>3 MR. BILUS: Objection to form.</p> <p>4 A. I think that it is.</p> <p>5 Q. Okay. And then the third line</p> <p>6 there in that sort of second block is,</p> <p>7 "Revisit the additional remote script</p> <p>8 language we used and update." What does</p> <p>9 remote script language refer to?</p> <p>10 A. The instructions that the moderator</p> <p>11 would give to people participating in a</p> <p>12 remote hearing.</p> <p>13 Q. Why are you -- are you -- what's</p> <p>14 the purpose of this email that you sent?</p> <p>15 What were you hoping to accomplish here?</p> <p>16 A. We've been in conversation during</p> <p>17 my entire time at Pitt about changes we</p> <p>18 want to make to the process. So this was</p> <p>19 sort of a part of that conversation, but</p> <p>20 then also trying to prepare information for</p> <p>21 the -- for the new hearing moderator.</p> <p>22 Q. So these would be changes made</p> <p>23 after the February 4 hearing and before the</p> <p>24 May 23 hearing?</p> <p>25 A. I think that that's what I was</p>	<p style="text-align: right;">128</p> <p>1 asking him to consider.</p> <p>2 Q. And when you say no contact order</p> <p>3 between board members, that would be to</p> <p>4 articulate specifically that there should</p> <p>5 be no contact by participants with the</p> <p>6 board?</p> <p>7 A. I don't -- I don't know. That</p> <p>8 language doesn't make any sense to me,</p> <p>9 because a no-contact order is a very</p> <p>10 specific thing in our world, so I don't --</p> <p>11 I don't understand this then.</p> <p>12 Q. What about the second one there,</p> <p>13 make clear that individual contact with</p> <p>14 board members will result in charges, why</p> <p>15 are you suggesting that?</p> <p>16 A. We, after the experience with the</p> <p>17 first board hearing, we were talking about</p> <p>18 changes that we wanted to make broadly to</p> <p>19 the process moving forward.</p> <p>20 Q. And is that to clarify because it</p> <p>21 was unclear on February 4?</p> <p>22 A. I don't think that that's fair to</p> <p>23 say. I think what's fair to say is that we</p> <p>24 were having conversations about changes</p> <p>25 that we wanted to make to the process, ways</p>

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<p style="text-align: right;">129</p> <p>1 that we wanted to improve the process.</p> <p>2 Q. And how would that improve the</p> <p>3 process?</p> <p>4 MR. BILUS: Can you all hear me?</p> <p>5 THE WITNESS: Yes.</p> <p>6 MR. BILUS: Okay. I got kicked</p> <p>7 out. The storm that must have been coming</p> <p>8 through Pittsburgh has made its way to me,</p> <p>9 and it may be interfering with my internet.</p> <p>10 But I'm back. Hopefully I won't get kicked</p> <p>11 out again.</p> <p>12 I don't know what the last couple, if</p> <p>13 there were questions while I was paused?</p> <p>14 MR. WALCZAK: I asked how the</p> <p>15 changes would improve the process, and</p> <p>16 we're waiting for Mr. Nabors to answer.</p> <p>17 MR. BILUS: Okay.</p> <p>18 Q. (BY MR. WALCZAK) Still thinking,</p> <p>19 Mr. Nabors, or --</p> <p>20 A. I am.</p> <p>21 I -- I would put this under the</p> <p>22 category</p> <p>23 of greater clarity helps to improve the</p> <p>24 process.</p> <p>25 Q. Greater clarity for whom?</p>	<p style="text-align: right;">130</p> <p>1 A. For all involved.</p> <p>2 Q. Including the students being</p> <p>3 brought up on conduct charges?</p> <p>4 A. Sure.</p> <p>5 Q. I have just a couple more</p> <p>6 questions. I know we're at 3:00. So I've</p> <p>7 seen a number of emails where you've been</p> <p>8 invited to and seemingly attended events</p> <p>9 with Jewish student leaders at the</p> <p>10 University. Is that true?</p> <p>11 A. Sure.</p> <p>12 Q. And it looks like there were some</p> <p>13 in January, February, March. I'm not sure</p> <p>14 about April or May. Actually April I'm not</p> <p>15 sure. But is this a -- is this something</p> <p>16 that you and some of your colleagues do</p> <p>17 regularly?</p> <p>18 MR. BILUS: Object to the form.</p> <p>19 A. I'm invited by students to attend</p> <p>20 events pretty frequently.</p> <p>21 Q. Have you ever attended an event</p> <p>22 with the Muslim Students Association?</p> <p>23 A. I've had meetings with the</p> <p>24 leadership of the Muslim Student</p> <p>25 Association. I have not been invited to an</p>
<p style="text-align: right;">131</p> <p>1 event.</p> <p>2 Q. You weren't invited in April to an</p> <p>3 event?</p> <p>4 A. By MSA?</p> <p>5 Q. Yeah.</p> <p>6 A. I mean, I, if it happened, I</p> <p>7 apologize. I can't recall being invited.</p> <p>8 MR. WALCZAK: All right, I know</p> <p>9 we're at 3:00, so --</p> <p>10 MR. BILUS: Yep, I think we</p> <p>11 should end it here. I can agree to keep it</p> <p>12 open while we look into the provenance of</p> <p>13 that one document and figure out if we need</p> <p>14 to claw it back because it's privileged. I</p> <p>15 would -- I will reserve my rights on, the</p> <p>16 University's and the other Defendants'</p> <p>17 rights to whether or not the deposition</p> <p>18 should go forward at all. But I won't</p> <p>19 force us to say right now it's closed. I'll</p> <p>20 get back to you as soon as I can about that</p> <p>21 document.</p> <p>22 MR. WALCZAK: Okay, that's fair</p> <p>23 enough. We can go off the record, Mary.</p> <p>24 (Signature having not been waived, the</p> <p>25 deposition was adjourned at 3:05 p.m.)</p>	<p style="text-align: right;">132</p> <p>1 COMMONWEALTH OF PENNSYLVANIA)</p> <p>2) CERTIFICATE</p> <p>3 COUNTY OF ALLEGHENY) SS:</p> <p>4 I, Mary J. Carney, RMR and Notary Public in and</p> <p>5 for the Commonwealth of Pennsylvania, do hereby</p> <p>6 certify that the witness, MARLIN NABORS, was by me</p> <p>7 first duly sworn to testify to the truth; that the</p> <p>8 foregoing deposition was taken at the time and place</p> <p>9 stated herein; and that the said deposition was</p> <p>10 recorded stenographically by me and then reduced to</p> <p>11 printing under my direction, and constitutes a true</p> <p>12 record of the testimony given by said witness.</p> <p>13 I further certify that the inspection, reading</p> <p>14 and signing of said deposition were NOT waived by</p> <p>15 counsel for the respective parties and by the</p> <p>16 witness.</p> <p>17 I further certify that I am not a relative or</p> <p>18 employee of any of the parties, or a relative or</p> <p>19 employee of either counsel, and that I am in no way</p> <p>20 interested directly or indirectly in this action.</p> <p>21 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>22 and affixed my seal of office this 3rd day of July,</p> <p>23 2025.</p> <p>24 _____</p> <p>25 Notary Public</p>

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<p style="text-align: right;">133</p> <p>1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A COUNTY OF ALLEGHENY) S H E E T</p> <p>2</p> <p>3 I, MARLIN NABORS, have read the foregoing pages 4 of my deposition given on July 1, 2025, and wish to 5 make the following, if any, amendments, additions, 6 deletions or corrections: 7 Pg. No. Line No. Change and reason for change: 8 9 10 11 12 13 14 15 16 17 In all other respects, the transcript is true and 18 correct.</p> <p>19 _____ 20 MARLIN NABORS</p> <p>21 Subscribed and sworn to before me this 22 _____ day of _____, 2025.</p> <p>23 _____ 24 Notary Public 25 Reference No. MC62100</p>	<p style="text-align: right;">134</p> <p>1 AKF TECHNOLOGIES 445 Fort Pitt Boulevard, Suite 200 2 Pittsburgh, PA 15219 412-261-2323</p> <p>3 4 July 3, 2025 5</p> <p>6 TO: Marlin Nabors c/o Alexander R. Bilus, Esquire 7 SAUL EWING LLP Centre Square West 1500 Market Street, 38th Floor 8 Philadelphia, PA 19102-2186 215-972-7777 9 alexander.bilus@saul.com</p> <p>10 RE: DEPOSITION OF MARLIN NABORS 11 NOTICE OF NON-WAIVER OF SIGNATURE 12 Please have the deponent read his deposition transcript. All corrections are to be noted on the 13 preceding Errata Sheet. 14 Upon completion of the above, the deponent must affix his signature on the Errata Sheet, and it is to 15 then be notarized. 16 Please forward the signed original of the Errata Sheet to Witold J. Walczak, Esq. for attachment to 17 the Original Transcript, which is in his possession. Send a copy of same to all counsel, and also a copy 18 to me. 19 Please return the completed Errata Sheet within thirty (30) days of receipt hereof.</p> <p>20 21 Mary J. Carney, RMR 22 Court Reporter 23 24 25</p>

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